

# **GREEN LAKE COUNTY**

## 571 County Road A, Green Lake, WI 54941

The following documents are included in the packet for the *Green Lake County Board of Adjustment* business meeting that is scheduled for <u>Tuesday, February 20, 2024</u>. The meeting begins at 9:00 a.m. The Public Hearing is not to begin before 10 a.m.

#### **Packet Pages:**

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|---------------|---|
| 2             | Agenda                                      |
| 3             | 2024 Meeting Calendar                       |
| 4-5           | Draft Meeting Minutes from January 16, 2024 |
| 6-11          | Operational Guidelines CUP Appeal           |
| 12            | Public Hearing Notice                       |
| 13-49         | CUP and LUP Applications                    |
| 50-97         | Applicant Exhibits and Letters              |
| 98            | Appellant Witness List                      |
| 99            | Appeal Application                          |
| 100-130       | Appellant Exhibits and Letters              |
| 131-132       | LUP&Z Committee Staff Report                |

If you have questions or need additional information, please contact the Land Use Planning & Zoning Department at (920) 294-4156.



## GREEN LAKE COUNTY **Board of Adjustment** 571 County Road A, Green Lake, WI 54941

Office: (920) 294-4156 FAX: (920) 294-4198

Email: zoning@greenlakecountywi.gov

## **Board of Adjustment Meeting Notice**

Date: February 20, 2024, Time: 9:00 AM

Green Lake County Government Center, Room #0902 571 County Road A, Green Lake, WI 54941

#### **AGENDA**

Board of Adjustment Members:

Ron Triemstra, Chair

Rick Dornfeld, Vice-Chair

Peter Wallace, Member

Brian Zimmerman, First Alternate

BJ Zirger, Second alternate

Karissa Block, **BOA Secretary** 

Virtual attendance at meetings is optional. If technical difficulties arise, there may be instances when remote access may be compromised. If there is a quorum attending in person, the meeting will proceed as scheduled.

- 1. Call to order
- 2. Roll call
- 3. Pledge of Allegiance
- 4. Certification of open meeting law
- 5. Approval of 2024 Board of Adjustment Calendar
- 6. Approval of Minutes: 1/16/2024
- 7. Adjourn for field inspection
- 8. Public Hearing (not to begin before 10:00am)

Appellants: Joseph and Brian Wroblewski, Attorney: Kevin Clark, von Breisen & Roper. Owner/Applicant: Little Green Lodge LLC. Agent: Tony Goebel. **Parcel #:** 006-01384-0000, #006-00614-0000, **General Legal Description**: Part of NW ¼ of NW ¼ of Section 32, T15N, R13E, Town of Green Lake. Administrative Appeal: The Board of Adjustment will conduct a de novo (new) hearing to determine whether to approve (with or without conditions) an application for a Conditional Use Permit filed by Tony Goebel for a tiki bar, bathroom building, walk-in cooler building, and storage shed.

- a. Public Hearing
- b. Board Discussion & Deliberation
- c. Board Decision
- 9. Adjourn

This meeting will be conducted through in person attendance or audio/visual communication. Remote access can be obtained through the following link:

Topic: Board of Adjustment Meeting

Time: February 20, 2024 09:00 AM Central Time (US and Canada)

Join on your computer, mobile app or room device

Click here to join the mee Meeting ID: 279 354 999 467

Passcode: npWkS7

Download Teams | Join on the web

Or call in (audio only)

+1 920-515-0745,,854004712# United States, Green Bay

Phone Conference ID: 854 004 712#

Find a local number | Reset PIN Please accept at your earliest convenience. Thank you!

Learn More | Help | Meeting options | Legal

Please note: Meeting area is accessible to the physically disabled. Anyone planning to attend who needs visual or audio assistance, should contact the Land Use Planning & Zoning office, no later than 3 days before date of the meeting.

| January |    |    |    |    |    |    |
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| Meeting Dates: |
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| January 16     |
| February 20    |
| March 15       |
| April 19       |
| May 17         |
| June 21        |
| July 19        |
| August 16      |
| September 20   |
| October 18     |
| November 15    |
| December 2     |

**Board of Adjustment** 

2024

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#### Green Lake County BOARD OF ADJUSTMENT

January 16,2024

The meeting of the Green Lake County Board of Adjustment was called to order by Chair Ron Triemstra on Tuesday, January 16, 2024, at 9:00 AM in the Green Lake County Board Room, Green Lake County Government Center, 571 County Road A, Green Lake, WI. The meeting was held both in person and via remote access. The requirements of the open meeting law were certified as being met. The Pledge of Allegiance was recited.

#### **ROLL CALL**

Present: Ron Triemstra, Chair Also Present: Crystal Fieber, Hopp Law Offices

Rick Dornfeld, Vice-Chair

Peter Wallace

BJ Zirger (Alternate) – remote

#### **Other County employees present:**

Liz Otto; County Clerk, Cate Wylie; County Administrator, Jeff Mann; Corp Counsel; Matt Kirkman, P&Z Director; Bill Boutwell, Supervisor #9

Chair Triemstra requested approval to change the order of the items on the agenda to move Item #8 to Item #6 per recommendation of Attorney Crystal Fieber. *Motion/second* (*Triemstra/Wallace*) to change the order of items on the agenda as recommended. Motion carried.

#### **MINUTES**

*Motion/second (Triemstra/Dornfeld)* to approve the minutes of the 11/17/2023 meeting. Motion carried with no negative vote.

#### BOARD OF ADJUSTMENT RECUSAL DISCUSSION & POSSIBLE ACTION

Attorney Crystal Fieber discussed a letter from the appellants, John and Brian Wroblewski, requesting that Ron Triemstra recuse himself from this matter. Fieber summarized the letter and advised that all board members must be free of bias and/or conflicts of interest. Attorney Trace Hummel, representing the appellants, stated that Attorney Mann's statement that this matter involves the "county vs. Wroblewski" is incorrect and that Triemstra does have a conflict due to hearing about the issue at the Land Use Planning & Zoning meeting. Triemstra stated that after discussion he will not recuse himself and that he has no preconceived position as to the outcome of this matter. The remaining members of the BOA agreed by general consensus.

#### <u>DISCUSSION ON LITTLE GREEN LODGE/CUP REVIEW HEARING AND</u> INTRODUCTION OF APPOINTED COUNSEL, ATTORNEY CRYSTAL FIEBER

Attorney Crystal Fieber provided a document outlining procedural guidelines for the February 20, 2024 merit based hearing. Items discussed included:

• Site visit as requested by petitioner

- Discussion regarding hire of a court reporter. General consensus of the members felt that recording is sufficient and transcription can take place at a later date if necessary.
- BOA members will receive information ahead of time in the form of written documentation. Deadline for submission of all information for the packet will be 02/06/2024 to Planning & Zoning Director Matt Kirkman.
- Subpoena requests discussed.
- All parties agreed that 4 hours is a sufficient amount of time for the meeting including site visit.
- Witness list to be submitted by 02/06/2024 to Planning & Zoning Director Matt Kirkman. There will be an opportunity for public comment as well.

# <u>DISCUSSION AND POSSIBLE ACTION ON OPERATIONAL GUIDELINES FOR LITTLE GREEN LODGE CUP REVIEW HEARING</u>

Attorney Crystal Fieber handed out operational guidelines for the February 20, 2024 meeting. She reviewed the document by item.

*Motion/second (Wallace/Dornfeld)* to approve the operational procedures with the addition of a 3 minute limit for public comment and no time limit set for information from the parties involved. Motion carried with no negative vote.

#### **ADJOURNMENT**

*Motion/second (Dornfeld/Wallace)* to adjourn the meeting at 10:03 AM. Motion carried with no negative vote.

Respectfully Submitted,

Liz Otto County Clerk

# OPERATIONAL GUIDELINES CUP APPEAL

- I. Call to Order
- II. Pledge of Allegiance
- III. Certification of Open Meeting Law
  - A. Agenda sent to media on
  - B. Requested publication/notice on
- IV. Roll Call
- V. Approval of Agenda (voice vote)
- VI. Approval of Minutes (voice vote)
- VII. Adjourn for Field Inspection(s)
- VIII. Resume Meeting for Public Hearing

#### Operational Procedures (Chair reads A-I)

A. This is a hearing on appeal of a Conditional Use Permit issued to the Little Green Lodge, LLC for property located at N2811 Park Road in the Town of Green Lake.

Green Lake County Code § 350-62 A. Appeal procedure.

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of Green Lake County affected by any decision, order or ruling of the Land Use Planning and Zoning Department. Such appeal shall be taken within 30 days, as provided by the rules of the Board of Adjustment, by filing with the Land Use Planning and Zoning Department a notice of appeal, on forms provided by the Department, specifying the grounds thereof.

This hearing will be conducted as a de novo hearing, meaning the Board will receive evidence it deems relevant to the decision and will not rely on information or evidence presented to the Land Use and Zoning Committee for issuance of the conditional use permit that is the subject of this appeal.

B. Green Lake County Code § 350-63 B.(4) Board Role in Appeal

The Board of Adjustment may reverse or affirm, wholly or in part, or may modify any order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the administrative officer. The concurring vote of two members of the Board shall be necessary to reverse any order, requirement, decision or determination appealed from, or to decide in favor of the applicant on any matter on which it is required to pass, or to effect any variation in the requirements of this chapter.

- C. Staff will announce the request (LUP&Z Staff)
- D. The owner/applicant will present the request to the Board with any justification for the request. The Board may ask for clarification or additional information during the presentations. The Chair will swear in any witnesses giving testimony.
- E. The appellant will present justification for the appeal. The Chair will swear in any witnesses giving testimony. The Board may ask for clarification or additional information during the presentations.
- F. Staff will present the staff report. The Board may ask for clarification or additional information during the presentations.
- G. Everyone wishing to make public comment will have an opportunity to speak. Statements will be addressed to the Board and not to others in the room. This is not a forum for debate. If statements for your position are the same as previous statements, do not repeat them, but summarize.
- H. Any correspondence received by the board related to the appeal will be presented.
- After all comments and presentations have been made and recorded, the chair will close the public hearing for Board deliberations, motions, decisions and justification for the decision. Additional information or clarification by the Board will not be accepted once the public meeting has concluded.

#### J. Board Determination Process

- 1. Findings of fact (based on ordinance jurisdiction and standards). The Board will:
  - a. determine whether the application and evidence contains the information necessary to make a decision.
  - b. determine whether the board has the authority to make a decision.

- c. record pertinent facts from the record/ hearing on the decision form.
- 2. Conclusions of law. The Board will:
  - a. specify applicable legal standards. (See attached Addendum A)
  - b. determine which facts relate to the legal standards.
  - c. determine whether the legal standards are met (agree on any permit conditions).
- 3. Order and Determination. The Board will:
  - a. decide/ vote on the case. (Roll call by BOA Secretary)
  - b. direct the zoning administrator to take any necessary action.
- X. Other Correspondence
- XII. Next meeting date (TBA)
- XIII. Adjourn

#### Addendum A

§ 350-56 Review of permit application; standards and conditions. The Board of Adjustment may, if appropriate, exercise authority under Green Lake County Code § 350-63 B.(4) as explained under Section VIII, B. of the Operational Guidelines. The authority of the Land Use Planning and Zoning Committee is set forth below.

1. Action by the Land Use Planning and Zoning Committee: The Land Use Planning and Zoning Committee shall review a request for a conditional use permit and deny, approve, or approve with conditions the request as the Committee may deem appropriate.

#### 2. Standards.

- a. Conditional uses may be located in certain districts under certain conditions. When reviewing a conditional use permit, the Land Use Planning and Zoning Committee shall take into consideration, among other things, the recommendation of the affected town and the particular facts and circumstances of each proposed use in terms of the following standards and shall find substantial evidence that such standards are being satisfied.
  - b. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in this chapter or those imposed by the Land Use Planning and Zoning Committee, the Land Use Planning and Zoning Committee shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.
  - c. The requirements and conditions described under § 350-56B(1)(a) above must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal.
  - d. The applicant must demonstrate that the application and all requirements and conditions established by the Land Use Planning and Zoning Committee, relating to the conditional use, are or shall be satisfied, both of which must be supported by

substantial evidence. The Land Use Planning and Zoning Committee's decision to approve or deny the conditional use permit must be supported by substantial evidence.

- 3. No conditional use shall be approved or approved with conditions by the Land Use Planning and Zoning Committee unless it shall find the conditional use:
  - a. Will not have a negative effect upon the health, safety, and general welfare of occupants of surrounding lands;
  - b. Will be designed, constructed, operated, and maintained so as to be harmonious and be appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area:
  - c. Will not be hazardous or disturbing to existing or future neighboring uses;
  - d. Will not be detrimental to property in the immediate vicinity or to the community as a whole;
  - e. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, and schools, and that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service; and
  - f. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public or private streets or roads.
- 4. The Land Use Planning and Zoning Committee may require additional standards and conditions that may be deemed necessary for the conditional use requested to meet the standards of this article. Such additional standards and conditions may include, but not be limited to, requirements pertaining to lot coverage, lot area, setbacks, building height, off-street parking and loading, pedestrian and vehicular accessways, storage,

fencing, screening, landscaping, open space, height limitations, lighting, and hours of operation.

- 5. Enumerated throughout this chapter are the uses allowed in each district by conditional use permit.
- 6. A conditional use shall lapse and become void one year after approval by the Land Use Planning and Zoning Committee unless substantial construction has been undertaken or the activity has commenced in accordance with the permit. The approved conditional use permit, unless otherwise specified in the conditions of approval, shall remain in effect as long as the authorized use continues. Prior to the reestablishment of an abandoned use, a new conditional use permit shall be obtained under the terms of this article.
- 7. No application for a conditional use permit which has been denied wholly or in part by the Land Use Planning and Zoning Committee shall be resubmitted for a period of one year from the date of said denial, except on the grounds of new evidence or proof of change of conditions is found to be valid.
- 8. In the event that the Land Use Planning and Zoning Committee chooses to deny a person's conditional use permit application, the person may appeal the decision to the Board of Adjustment or to circuit court under the procedures contained in § 59.694(10) Wis. Stats.

## **NOTICE OF PUBLIC HEARING**

The Green Lake County Board of Adjustment will hold a Public Hearing in County Board Room #0902 of the Green Lake County Government Center, 571 County Road A, Green Lake, Wisconsin, on *Tuesday, February 20, 2024, at 10:00 a.m.* to consider the following:

Item I: Appellants: Joseph and Brian Wroblewski, Owner: Little Green Lodge LLC. Parcel #: 006-01384-0000, #006-00614-0000, General Legal Description: Part of NW ¼ of NW ¼ of Section 32, T15N, R13E, Town of Green Lake. Administrative Appeal: The Board of Adjustment will conduct a de novo (new) hearing to determine whether to approve (with or without conditions) an application for a Conditional Use Permit filed by Little Green Lodge, LLC for a tiki bar, bathroom building, walk-in cooler building, and storage shed.

All interested persons wishing to be heard at the public hearing are invited to attend. Please note that *it is not uncommon for an owner/applicant to withdraw a request at the last minute*. For further detailed information concerning this notice contact **Land Use Planning and Zoning** at (920) 294-4156.

Publish: February 8, 2024

| Fee Received (Non-Refundable) \$375   | Date  |
|---|---|
|   |   |
| By signing and submitting this completed application with requests the Land Use Planning & Zoning Committee consinext available public hearing. |   |
| PROPERTY OWNER / APPLICANT  |   |
| Name Jeffrey Rose   |   |
| Mailing Address 1201 mahagany Dr Wes  | Hminster MD 21157   |
| Phone Number 443-992 - 5999 Email   | prose e rosemanufacturizy, com  |
| Signature follow to Kose  | Date 1/23/2023  |
| 1111  |   |
| <b>AGENT IF OTHER THAN OWNER</b> Official property of   | owner will be under <b>The Lodge at Little Green LL</b>                     |
| Name Ledgeview Holdings LLC - Anti  | hony Goebel   |
| Mailing Address 131 N Rolling Meadows Drive, Fond du Lac, V   | WI 54937  |
| Phone Number 920-251-9004 Email   | tony@5gbenefits.com   |
| Signature Signature   | Date 1/23/2023  |
|   |   |
| PROPERTY INFORMATION  | NOA4 Pad Dood Madagaan NA 52046 and   |
| Town of Green Lake Location of Propert  | N811 Park Road, Markesan, WI 53946 and<br>Lot 2 Certified Survey Map 956 V4 |
| Section 32 Town 15 N Range 13   | E .73 and .52   |
| Affected Parcel Number(s) 006-01384-0000 / 006-0061   | 4-0000 Affected Acres 1.25  |
| Subdivision Lot   | n/aBlockn/a   |
| CSM <u>n/a</u> Lot <u>n/a</u> or COS  | Sn/a  |
| Legal Description   |   |
| Grand view plat lot 1 of certified survey map 956 V4 & that parcel as De  | asc V415 P19 Lying in SW1/4 NW1/4 Sec 32                                    |
| Lot 2 Certified Survey Map 954 V4 (a Res Of Lot 2 Csm 180) Sec 32   |   |
| Current Zoning Classification Restaurant and Hotel/Motel for  | 2nd floor   |
| Present Use of Property: (List all current uses and improvement   |   |
|   | nts, i.e. home, store, farm field, wooded, etc.)                            |
| Currently used and commercially zo  |   |

## PROPOSAL - Use separate or additional sheet(s) IF necessary

| Describe specifically the nature of this request (List all proposed uses of the parcel.) What to do?  See attached typed sheet   | at do you plan |
|--|----------------|
| If this application is for a use that will be contained to a part of the parcel, specify the exa of the affected area.   | ct dimensions  |
| ☐ If this box is checked, provide the following information:  Proposed use has additional minimum development standards in Section  Explain how your proposal meets or exceeds these requirements. |                |
| OPERATIONAL PLAN NARRATIVE   |                |
| See attached typed document  |                |
|  |                |
|  |                |
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## **OPERATIONAL PLAN NARRATIVE (continued)**

| See attached typed document |        |
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#### Land Use Planning & Zoning Department

#### Application for Conditional Use Permit

Property Owner: Ledgeview Holdings LLC (Anthony Goebel)

Expected name: Little Lodge Lodge LLC

#### What is the history of the business and/or applicant?

CURRENT: The business is currently being used as a full-time restaurant and hotel under the name of Rose's Lakeside Pub. The restaurant serves food and liquor and the hotel is rented by the room through their own direct website and Airbnb.

APPLICANT: The new buyer, Tony Goebel, is an experienced local business owner that lives 18 miles east in Eldorado, WI. He owns a local insurance agency, real estate holding company, and vacation rental management company. He owns numerous large rentals (specifically in Door County) that were a Bed & Breakfast and turned them into successful group rentals and micro-wedding venues. Tony's brother is also a bar manager at a high-end restaurant in Fond du Lac and his sister is one of Fox Valley's top wedding planners. He plans to have this property combine all of their expertise to make it a thriving and successful business.

The property will be professionally managed and marketed by Little Adventure Vacation Rentals LLC which has employees out of Fond du Lac and is owned by Anthony Goebel.

## What is the history of the property and its current use?

The current property is commercially zoned as a restaurant and hotel, and those are the current uses of the property. The first floor is being used as the restaurant, the 2<sup>nd</sup> floor is where the hotel rooms are and is being used as Airbnb rentals and hotel rooms. That is the same use that the applicant is looking to continue with the change in ownership. The lower level is being used for the owner office and storage for the restaurant and hotel.

## Describe in detail the proposed use of the property.

The new owners plan to bring a lot of new life and excitement into the property! The applicant is looking to have the same zoning and uses as currently (commercially zoned as a restaurant and hotel). The business model will change slightly where the applicant will be renting the property out as one rental instead of individual rooms, but it will be the same use that it is currently zoned for. We will just want the entire property to be zoned as a hotel, because we would like to have the lower level be used for when it is rented as a hotel, event, or micro wedding. We want to continue the use of the liquor license for when we do small events, micro-weddings, and the restaurant. We will have three main uses:

- 1. Hotel This will be our main focus for the property. We will cater specifically to families for family reunions and group rentals, including corporate retreats. It will be marketed exactly how it is now (on Airbnb, our direct booking website, as well as Vrbo). The difference is we would like to have the entire property rented out the majority of the time versus individual rooms. We will still do individual room rentals but our priority for booking will be on renting the entire property (on a 3-day minimum and down to 2-days in certain parts of the year). The property should be able to sleep 30 people (which is close to the current occupancy as the hotel).
- 2. Small events and micro-weddings We will accept with prior approval from our management staff, small events and weddings. Our experience at our other properties we own and manage is that 90% of the weddings end up being under 40 employees. We tailor to micro-weddings and elopements. Because we don't want to be managing large scale weddings. The property should be able to handle weddings up to 150 people but that is not our priority. We also would have all sound and events contained inside the building and they are required to have a professional wedding planner to coordinate the wedding. We are just the venue. Which is why we want to utilize the basement for additional finished space. When we say small events we mean birthday parties, guys/guys weekends together, family reunions. This should be less intrusive than even the current operations of being a full-time restaurant open all day and night for drinking.
- 3. Restaurant We will continue to operate the restaurant but create higher demand with being open less days, almost like a "pop up restaurant venue". It is clear from the financials (and that there are been numerous restaurants in the property over the years) that the property does not get traffic to be profitable year-round as just a restaurant. We are going to keep the commercial kitchen but lock it off from the rest of the property. So if we rent out the entire property the kitchen remains untouched. We also will have dedicated locked storage in the lower level for the restaurant operations. We will start with 2-4 nights a month having higher-end ticketed dinners and see if demand justifies eventually doing a Friday night fish fry. We will be more for steak, fish, and plated meals than doing fried food and sandwiches. We also want to set the property up to potentially doing dinner theaters as well. We will continue to have our liquor license. We are also looking at putting up a 12x16 concession stand or parking a mobile food truck or trailer in the south corner of the lot (closest to the park) to sell packaged ice cream, candy, packaged food in the summer months on weekends.

## • If applicable, include an operation and/or maintenance plan.

We do have a full-time maintenance employee that works for our company that is on call for any urgent issues for the property. Our ownership and management is located under 20 miles away as well. We don't have a specific operation and/or maintenance plan that would differ from current use.

## • When will the property be used? (Seasonally? Set daily hours?)

The property will be year-round. We plan to be fully booked every day in Peak Summer, about 75% booked in the shoulder season and about 50% booked in the winter. The restaurant itself will be 2-4

days a month (we will "book" the entire property for the restaurant usage) which will be to start a Monday and Tuesday night for plated dinners probably open from 3pm to 11pm those two days.

• What will be done with the current structures, if any? - See attached drawings.

#### **Lower Level – Game Room and Storage**

- Living room/game room add LVP flooring and painted ceiling (it is sprinklered already and above it is common area).
- All black lines are of existing walls. We want to add 3 small walls to block off for owner storage and put 4 doors.
- Renovate the existing bathroom that is in the lower level with new flooring, paint, fixtures
- Keeping walk-in cooler for now. Behind walk-in cooler will be locked storage for the restaurant items
- LVP in the finished hallway at bottom of stairs and bathroom. Putting commercial carpet on floors to basement.
- Turn the existing office into a usage room or hang out area.
- Ideal situation is turn it into a bedroom. Add fire walls if state requires this

#### First Floor – Living Room, bar/countertop, and dining area

**Phase 1** – Happening immediately and what we want done for sure:

- Kitchen cabinets behind the bar with quartz countertops. Fridge, oven, microwave. Just moving fridges. (replace one sink in bar)
- Keeping all restaurant equipment in the kitchen but putting doors and short wall/door to keep kitchen locked.
- Where the swinging door is move that to the kitchen (back 4 feet) and build wall separating kitchen from restaurant
- Install locks on both doors of the commercial kitchen to completely block this off from the rest of the property.
- Install smaller door on the utility room.

**Phase 2** – If we have time before a May 18<sup>th</sup> opening. Move the existing bar back 3 feet to the wall. Shorten bar width about 12 feet.

- Use existing hook ups for 2 dishwashers, 2 regular sinks and cabinets under most of the bar.
   New Quartz for bar and on counters
- Where existing sink hookups are replace with a nice kitchen sink instead of a bar sink.

#### 2<sup>nd</sup> Floor - Hotel Rooms

- Add a wall in Suite 3 and Suite 2 that creates a new bedroom in each of those rooms.
- New flooring in the laundry room and add two over head cabinets for storage.
- Add some minor decorations on the wall
- Change out two beds with king beds in Suite 1 and add one bunk bed and one crib in Suite 4

#### **Outside Work**

- New pre-built storage building in the parking lot that is 16 feet x 52 feet
- We do not have a requirement for where it needs to be located but it will be on the parking lot side
- New gutters on the exterior of the building
- Powerwash the siding and decks

- Painting the exterior of the property
- Cleaning up the north property line sheds and garbage
- Resurface the parking lot with
- Will any new structures be built? If yes, how will they be used and where will they be located?

We are looking at adding a 16x52 storage shed on the parking lot side of the property. Probably on the north or south end of the property perpendicular to the road. This shed will be made out of wood and will attempt to match the color of the building.

• What hazards, concerns, or disruptions may your proposed use pose to neighboring properties and the community as a whole? How can those concerns be addressed?

We are proposing the same conditional uses that the building is approved for now. We do not anticipate any hazards, concerns, or disruptions. Rose's Lakeside Pub holds small events (as do other restaurants in the township and county) that will be of equal size to what we plan to hold. When we host a small event or wedding we will more than likely have it indoors to contain any sound. The restaurant already has speakers inside and there is not noise issues with the property currently because it is a very well built building.

• What will be done to protect the human and environmental health of the surrounding area from negative impacts of this use?

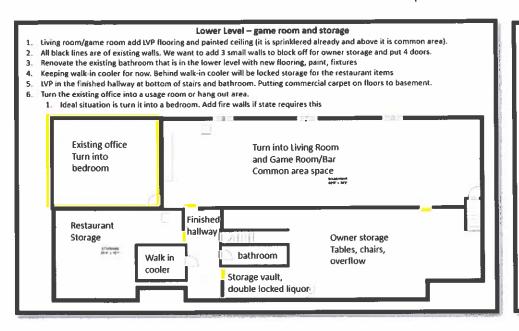
I don't foresee anything changing for this or an impact on human and environmental health from our business doing the same conditional use as the current owner (restaurant and hotel).

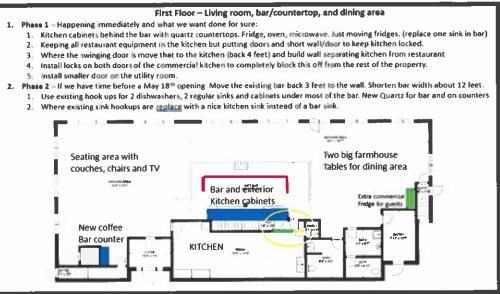
• Why was this property chosen for this business activity? How will this use benefit the community by being located on this specific property?

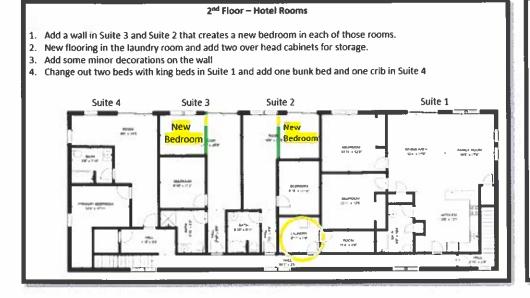
We saw potential in the property because of the set-up and location of being on the water. We liked that it was zoned commercial as a restaurant (with liquor license) and as a hotel. We do not too large of a property, we wanted something close to home and manageable. The Green Lake County area is growing, especially on the hospitality side, tourist side, and wedding venue side of things. This property is very well constructed and being located on the waterfront we felt like we could really turn it into something special. There really is nothing in the Green Lake area for what we are looking to turn this property into. Our clientele are families that are looking to get together for a relaxing vacation and getaway, where they have all the amenities there for them to enjoy. We also wanted the ability to host "pop up restaurant days" and small events where we can take the skills from everyone in our family to showcase to the community. The community will get a new venue/property that is unique that is already proven in the Door County market.

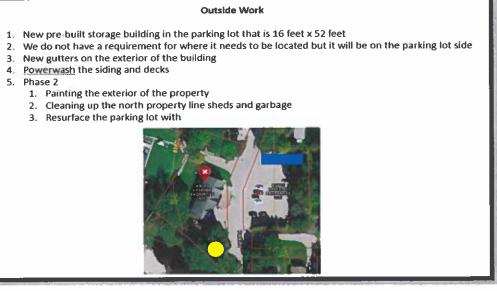
• How would this business activity meet goals and objectives of the County's Comprehensive Plan? (This will be clear after meeting with Department staff prior to submitting the Conditional Use Permit application, as required above.)

It appears we are meeting the goals and objectives of the County's Comprehensive Plan based on what we have already read and seeing the current commercial zoning approved as a restaurant and hotel. We look forward to working with the Town of Green Lake, Green Lake County, and State of Wisconsin to make this a successful endeavor!









The 16x52' shed will be 12 feet from north property line and 25 feet from road access and 25 feet from rear set-back.

The yellow circle for the outside work – we are looking at doing a mobile food truck in summer or a 12x16 concession stand.

# TOWN BOARD ACTION

Dear Land Use Planning and Zoning Committee:

Please be advised that the Town Board of Green Lake, County of Green Lake, took the following action on -(Date) Owner/Applicant: Roses Lakeside Properties LLC Agent: Anthony Goebel Site Location: N2811 Park Rd. General legal description: Parcel 006-01384-0000, 006-00614-0000, Town of Green Lake,  $\pm 1.25$  acres Request: CUP for hotel/event space. Planned public hearing date for the above requests: April 6, 2023 Town Does Not object to and Approves of request No action taken Objects to and requests denial of request NOTE: If denial – please enclose Town Resolution of denial Reason(s) for objection: Town Representative **Date Signed NOTES:** 

Please return this form to the Land Use Planning & Zoning Office by: March 29th, 2023

#### **Permit Application**

#### Green Lake

\$150.00 Permit Type: Land Use Permit Issued: 4/20/2023 **Permit No.** 13375 Fee:

> Permit Expires: 4/18/2024 Value: \$99,400.00

Mailing Address LITTLE GREEN LODGE LLC 131 N. ROLLING MEADOWS DRIVE

FOND DU LAC, WI 54937

#### Permit Detail:

Received By: Noah Brown

| Muni                  | Parcel Number | Site Address         | Legal Description  |
|-----------------------|---------------|----------------------|--|
| Town of Green<br>Lake | 006006140000  | No Address Available | LOT 2 CERTIFIED SURVEY MAP<br>956 V4 (A RES OF LOT 2 CSM 180)<br>SEC 32  |
| Town of Green<br>Lake | 006013840000  | N2811 PARK RD        | GRAND VIEW PLAT LOT 1 OF<br>CERTIFIED SURVEY MAP 956 V4 &<br>THAT PARCEL AS DESC V415 P19<br>LYING IN SW1/4 NW1/4 SEC 32 |

#### **Application For**

| Туре                        | Subtype   | Width(ft)       | Length (ft) | Height (ft) | Diameter(ft) | Depth(ft) | Stories |  |  |  |
|-----------------------------|---|-----------------|-------------|-------------|--------------|-----------|---------|--|--|--|
| Land Disturbing<br>Activity | Blacktopping/Parking Lots                                   | 132.0           | 182.0       | 0.0         | 0.0          | 0.0       | 0.0     |  |  |  |
|                             | Description: Parking lot repair on                          | -00614          |             |             |              |           |         |  |  |  |
| Accessory<br>Structure      | Storage Buildings   | 13.0            | 16.0        | 12.0        | 0.0          | 0.0       | 0.0     |  |  |  |
|                             | Description: Replacement of Lake                            | eside shed -013 | 384         |             |              |           |         |  |  |  |
| Accessory<br>Structure      | Storage Buildings   | 16.0            | 44.0        | 12.0        | 0.0          | 0.0       | 0.0     |  |  |  |
|                             | Description: New prebuilt shed on parking lot parcel -00614 |                 |             |             |              |           |         |  |  |  |
| Accessory<br>Structure      | Detached Deck/Patio   | 8.0             | 10.0        | 0.0         | 0.0          | 0.0       | 0.0     |  |  |  |
|                             | Description: Replacement of Lake                            | eside Deck -01  | 384         |             |              |           |         |  |  |  |
| Accessory<br>Structure      | Detached Deck/Patio   | 7.0             | 8.0         | 0.0         | 0.0          | 0.0       | 0.0     |  |  |  |
|                             | Description: Concrete slab -01384                           |                 |             |             |              |           |         |  |  |  |
| Land Disturbing<br>Activity | Blacktopping/Parking Lots                                   | 38.0            | 40.0        | 0.0         | 0.0          | 0.0       | 0.0     |  |  |  |

#### Permit Application

|                             | Description: Blacktopping of parkin                             | g lot in front of l | building -01 | 384 |     |     |     |  |  |
|-----------------------------|---|---------------------|--------------|-----|-----|-----|-----|--|--|
| Accessory<br>Structure      | Fence   | 0.0                 | 170.0        | 8.0 | 0.0 | 0.0 | 0.0 |  |  |
|                             | Description: Privacy Fence on parking lot parcel -00614         |                     |              |     |     |     |     |  |  |
| Accessory<br>Structure      | Fence   | 0.0                 | 95.0         | 8.0 | 0.0 | 0.0 | 0.0 |  |  |
|                             | Description: Replacement fence -01384                           |                     |              |     |     |     |     |  |  |
| Land Disturbing<br>Activity | Blacktopping/Parking Lots                                       | 20.0                | 50.0         | 0.0 | 0.0 | 0.0 | 0.0 |  |  |
|                             | Description: Upgrading gravel parking lot near city park -01384 |                     |              |     |     |     |     |  |  |

#### Minimum Setback Requirements:

25.0ft. from East 006-00614-000 Lot line

12.0ft. from North 006-00614-0000 Lot line

33.0ft. from Closest Point of 006-00614-0000 Road Right-of-Way

154.0ft. from South 006-00614-0000 Lot line

12.0ft. from North 006-01384-0000 Lot line

20.0ft, from OHWM of 006-01384-0000 Lake

162.0ft. from South 006-01384-0000 Lot line

92.0ft. from Closest Point of 006-01384-0000 Road Right-of-Way

#### **Zoning Districts:**

C2

C1

#### **Land Use Permit Conditions**

- \* FINAL INSPECTION: Notify Code Enforcement Office within 10 days after completion of construction, alteration, repair or relocation of proposed structure.
- \* WALL FORM INSPECTION: Contact Code Enforcement Office 24 hours prior, to schedule inspection for setback verification once wall forms are up, and prior to pouring concrete.
- \* Green Lake County approval does not eliminate the need of the owner / developer to obtain all other necessary approval from other entities of jurisdiction.
- \* This Land Use Permit must be posted so as to be visible from the road right-of-way.
- \* Applications for renewal of this Land Use Permit shall be made to the Green Lake County Land Use Planning & Zoning Office.
- \* Changed regulations will not impair the validity of this Land Use Permit.
- \* This Land Use Permit is subject to the rules in force at the time of issuance.
- \* This Land Use Permit is valid for one year from the date of issuance.
- \* This Land Use Permit is only valid for commencement of the work described in the application for permit.

#### **Permit Application**

\* When plans for the proposed project(s) are updated and/or revised, a copy of the new plans with changes must be provided to the Land Use Planning & Zoning Department for review and approval in accordance with all applicable standards.

#### Signature:

The undersigned hereby agrees that all work shall be done in accordance with the requirements of all Green Lake Ordinances and all applicable laws and regulations of the State of Wisconsin. Dimensions and distances provided on this form and all attachments hereto are true and correct. Applicant authorizes Green Lake staff to inspect the premise for conformity to this permit.

| Application Name Printed:             |       | Telephone #:                     |       |
|---------------------------------------|-------|----------------------------------|-------|
| Application Signature:  See of Pachec | Date: | Staff Signature:<br>Sec affacle) | Date: |

#### **GREEN LAKE COUNTY**

## LAND USE PERMIT APPLICATION

Land Use Planning & Zoning 571 County Road A Green Lake, WI 54941 Phone: (920) 294-4156

|                            | PARTI             | COUNT  |   | 006   | 01384<br>- 00614                            | 0 000<br>2 0000   | Date<br>Issued                                  | 4-2023  | Permit #_  | 13375   |
|----------------------------|-------------------|--|---|---|---|---|---|---|--|---|
|                            | ik only)          | Owner  | Vame  | Green Lodge   |   |   | Contractor<br>(Applicant)                       | Area Asphalt Name 102 Christopher                       | Ct   |   |
|                            | Black or blue ink |  |   | 51-9004   | WI<br>State                                 | 54937<br>Zip  |   | Address  Eden  City 920-477-5521                        | WI<br>State                                      | 53019<br>Zip  |
|                            | Black             | Site Addre   | ess L   | 2811 Park Ros   |   | VI 53946 and<br>5 V4  | Parcel/Tax ID                                   | # 006 -   | 01384 - 0000<br>-00614 - 0000                    |   |
| -   ₹                      | PAKI              | Lot 1/a  | Blo   | t/g \Replace eci  | sting shed by water                         | Plat  | rete slab/deck for stor                         | age shed (19'x16.5' and 8'                              | CSM #x7 concrete slab & 10'x8'                   | n/a<br>deck attached). Redo impervio  |
| marfice i                  |                   | Use of Pro   | along north   | lor line (plus rep  | tural 🛛 Con                                 | ing). Plant privacy screen on<br>nmercial 🔲 Indu                    | strial Recre                                    | main building. Plan priva                               | cy screen if applicable on dential Other         |   |
|                            | 0                 | Type of Project  ☐ Principal  ☑ Accessor ☐ New ☐ Addition ☐ Grade/Fil ☐ Sign  Cost of Co | y<br>S<br>Bed<br>Bed  | rooms   | sions 44<br>16 x 44<br>ft²<br>(new) (total) | Front Side 12 Side Rear 25 Shore Shed/Concrete/Asphale              | Project Principal Accesso New Addition Grade/Fi | Dime<br>Lth/Wth _<br>ry Area _<br>Height _<br>Stories _ | (new)  | Front Front Side Side 6 Rear Shore 20   |
| PART III COUNTY LISE ON! V | 100               |  | norelar<br>letland<br>loodwa<br>lood Fri<br>eneral<br>lall Insp | y<br>inge<br>Floodplain<br>b. Req.<br>p. Required<br>sp. (see not | Yes   | After the BOA P&Z ETZA POTW POWTS DWF                               | ,-  | Yes □   | Existing N Equalized \$ Constructi \$ % of asset | onconforming Assessed Value on Cost w/Labor ssed value Assessed Val.            |
| PART IV                    | ä                 | nspect the at<br>he date of iss<br>Permit Fee  | ove-der<br>uance.<br>\$   | scribed nexis   | ct(s) for comp<br>nay be renewed<br>Owner/( | llance with all appli<br>d prior to expiration<br>Contractor Signal | cable conditions and if so will be              | Commit area betts                                       | This permit is valided in force at the times.    | polication, is true and subject property to d for one year from the of renewal. |
|                            |                   | Check<br>Receipt   | #/(_  | <u></u>   |   | Official Signature  |   | County"   |  | PZZ-001 (04/11)   |

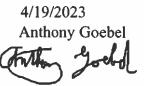
# 16'x44' storage shed Fencing near lot line and replacing existing fence around garbage Redo parking lot with asphalt and parking lines. Town of Green Lake redoing road same time. Redo gravel parking spots with asphalt parking Asphalt re-seal/coating parking by building Public outdoor restaurant

area with food truck by road,

replace existing storage

shed, replace boat ramp with stamped concrete.

## Little Green Lodge N2811 Park Road, Markesan, WI SITE PLAN

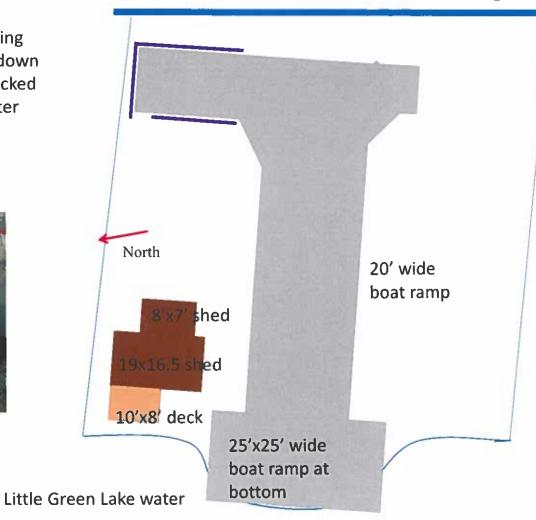




## Park Road / Road Right-of-Way Line

Existing set up with falling apart boat ramp, tear-down shed, rotting fence, cracked concrete, and pour water run-off from the road





Existing Hotel

Outdoor Restaurant area Food Truck, Storage Shed, Stamped concrete



#### SITE PLAN

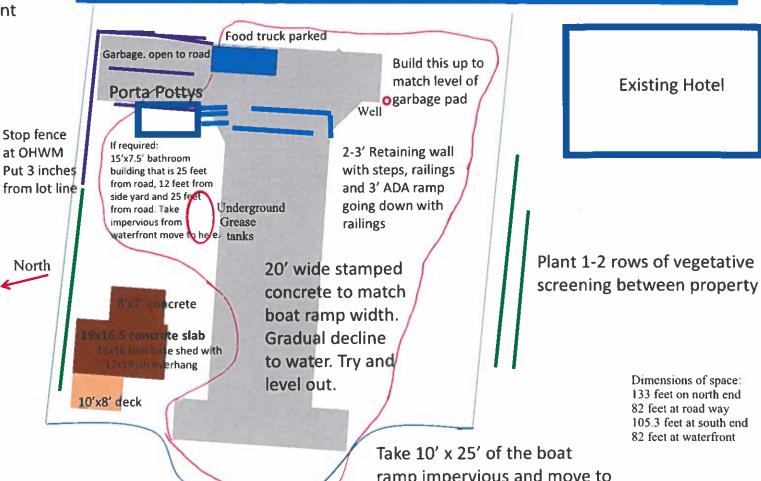
Re-do all existing falling apart items for an outdoor restaurant area with stamped concrete seating and food truck. With new storage shed Food Truck parking, storage Shed, privacy fence and new vegetative screen

Open seasonally May to October and Friday/Saturday



Park Road / Road Right-of-Way Line

- road redone with asphalt. First 5 feet lot is asphalt



Little Green Lake water

ramp impervious and move to top by the porta pottys

Myor purit 15375

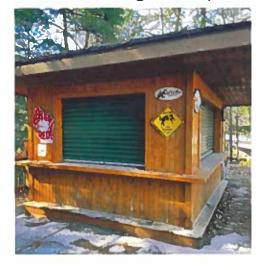
Outdoor restroom example



Stairs/ramp example (concrete)



Waterfront Shed example Water item storage and liquor storage



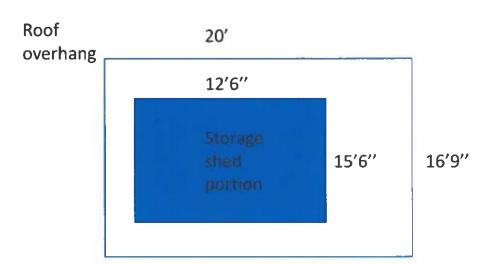
Stamped concrete example



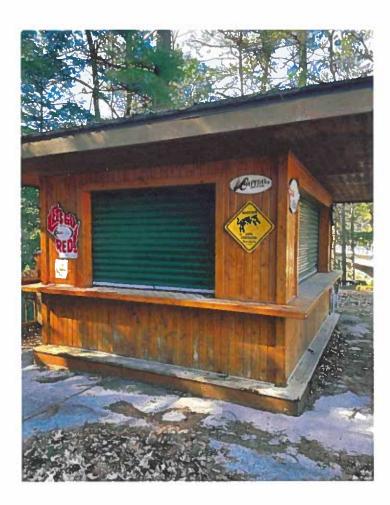
Food trailer example but custom wrap



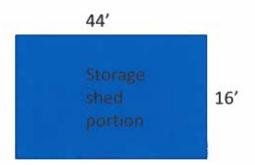
# Waterfront storage shed N2811 Park Road, Markesan, WI



- Side walls are 8.5 feet high
- Height to pitch of roof is 12'



## Parking lot storage shed N2811 Park Road, Markesan, WI



- Ground to peak of roof is 144 $^{\prime\prime}$



#### **Land Use Planning and Zoning Committee Staff Report**

Public Hearing April 12, 2023

Item I: Conditional Use Permit (CUP)

Owner: Applicant:

Little Green Lodge LLC Tony Goebel

**Request:** The owner/applicant is requesting a conditional use permit. The use would include a lower level hotel suite, a mobile food / beverage truck and a storage building.

<u>Parcel Number/Location:</u> The request affects parcels 006-01384-0000 (±0.73 acres) and 006-00614-0000 (±0.52 acres). The parcels are located in the NW ¼ of the NW ¼ of Section 32, T15N, R13E, Town of Green Lake. The site address is N2811 Park Rd.

Existing Zoning and Uses of Adjacent Area: The parcel 006-01384-0000 is zoned C-1, General Commercial District. The property is currently being used as a restaurant with hotel/motel on the second floor. The parcel 006-00614-0000 is zoned C-2, Extensive Commercial District. This property is currently being used as a parking lot for the restaurant and hotel/motel. The two parcels are split by Park Rd. To the West, the property is bordered by Little Green Lake. Following the lakeshore to the south the neighboring property is zoned municipally under the City of Markesan and owned by the City. This property appears to be used for open space with a few buildings. To the North and East, the properties are zoned as R-1, Single-Family Residence District, and appear to be used for single family residences. To the Southeast there is also a parcel zoned R-3, Multiple-Family Residence District that is used as a mobile home park.

Additional Information/Analysis: Originally this property was developed as a tavern in the 1970's. In 2004 the tavern burned down and was subsequentially rebuilt on parcel 006-01384-0000 under two conditional use permits. The 2004 CUPs approved reconstruction of the bar/restaurant use as well as the second story hotel/motel use. The current CUP request is to allow for the current owner to utilize the lower level for hotel lodging purposes and to establish a mobile food / beverage truck on parcel 006-01384-0000. The lower-level suite will allow for additional lodging space and the mobile food / beverage truck would be utilized as an outdoor bar / restaurant to include Friday fish frys and ice cream, beer/liquor, brat and burger sales.

A second CUP was approved in 2010 allowing for the upgrading of the parking lot located on parcel 006-00614-0000. The current CUP request includes the addition of a 16ft x 44ft storage building to be constructed on the parking lot parcel. The storage building would be utilized to store equipment related to the property's use.

<u>General Standards for Review of Conditional Use Requests:</u> It is important that the Committee maintain the purpose and intent of the County Zoning Ordinance when reviewing and approving a request of this nature. The Committee shall take into consideration, among other

things, the recommendation of the affected town and the particular facts and circumstances of each proposed use in terms of the standards found in Section 350-56 "Review of permit application; standards and conditions" of the County Zoning Ordinance.

<u>County Staff Comments:</u> This request should be reviewed by the Committee to determine if it meets the general criteria for review as listed above. If the Committee wishes to approve this request, the following conditions may be appropriate:

- 1. No additional expansion or addition of structures and/or uses relating to this conditional use permit shall occur without review and approval through future conditional use permit(s).
- 2. That the owners/applicants are responsible for obtaining permits and licenses from any other regulatory agency, if required.
- 3. That the owner/applicant apply for and receive a Land Use Permit prior to making any changes authorized through this conditional use permit approval process.
- 4. That within one year of CUP approval the owner/applicant provide appropriate vegetative screening or code-compliant fencing to hide the dumpsters as well as provide the neighbors to the parking lot with privacy screening.
- 5. That if vegetative screening is utilized instead of privacy fencing, any dead, dying or diseased vegetation shall be removed and replaced with viable and effective, visual-screening vegetation as soon as practicable.

<u>Town of Green Lake:</u> The Town Board Action request for the Conditional Use Permit was sent to the Town Clerk on February 15, 2023. The Town Board does not object to and approves the request.

## GREEN LAKE COUNTY Conditional Use Permit

### DETERMINATION OF THE LAND USE PLANNING AND ZONING COMMITTEE

Public Hearing Date: April 6, 2023

| Owner:  | Little Green Lodge LLC  |
|---|---|
| Agent:  | Anthony Goebel  |
| Parcel:   | #006-01384-0000, 006-00614-0000, N2811 Park Rd, Town of Green Lake  |
| Request:  | CUP for hotel and event space   |
| Curt Talma,   | Chair Committee:  Harley Reabe  |
| William Bout  | well Chuck Buss, Vice Chair   |
| Date signed: April  | ote: Ayes <u>5</u> Nays Abstain Absent  |
| <ul><li>☑ Approve</li><li>☑ W</li><li>☑ Deny.</li><li>☑ Modify as</li></ul> | ith the conditions (listed below)   |
| Conditions of   |   |
| <ol> <li>No acconding</li> <li>conding</li> <li>That from</li> </ol>        | Idditional expansion or addition of structures and/or uses relating to this itional use permit shall occur without review and approval through future itional use permit(s). It owners/applicants are responsible for obtaining permits and licenses any other regulatory agency, if required.  The owner/applicant apply for and receive a Land Use Permit prior to making |

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visual-screening vegetation as soon as practicable.

vegetative screening or code-compliant fencing to hide the dumpsters as well as

|  | \$375  |   | Date5/                   | /30/2023              |                            |
|--|--|---|--------------------------|-----------------------|----------------------------|
| By signing and submitting this complex requests the Land Use Planning & Zonext available public hearing.   | leted application with pub<br>oning Committee consider   | lic hearing<br>the conditi                                  | fee, the a onal use      | pplicant o            | or agent<br>quest at the   |
| PROPERTY OWNER / APPLICA   | NT   |   |                          |                       |                            |
| NameLittle Green Lodge LL  |  |   |                          |                       |                            |
| Mailing Address131 N Rollin  | ng Meadows Drive   |   |                          |                       |                            |
| Phone Number   | Email  | tony@5gbe   | nefits.c                 | om                    |                            |
| Signature  |  | D   | ate                      | 5/30                  | /2023                      |
| Name   |  |   | -<br>-                   |                       | _                          |
| Mailing AddressPhone Number  |  |   |                          |                       |                            |
| Signature  |  |   |                          |                       |                            |
| Signature  |  |   |                          |                       |                            |
|  |  |   |                          |                       |                            |
| PROPERTY INFORMATION  Town ofGreen Lake  | Location of Property _   | N2811 Par<br>Lot 2 Cer                                      | rk Road,<br>stified S    | Markesan<br>Gurvey Ma | , WI 53946 and<br>p 956 V4 |
| Town of Green Lake  Section 32 Town 15   | Location of PropertyN Range <sup>13</sup>  | Lot 2 Cer   | rtified S                | Survey Ma             | p 956 V4                   |
| Town of Green Lake  Section 32 Town 15   | Location of PropertyN Range <sup>13</sup>  | Lot 2 Cer   | rtified S                | Survey Ma             | p 956 V4                   |
| Town of Green Lake  Section 32 Town 15  Affected Parcel Number(s)006-01384   | Location of Property N Range 130000 / 006-00614-0000   | Lot 2 Cer   | Affecte                  | ed Acres              | 1.25                       |
| Town of Green Lake  Section 32 Town 15  Affected Parcel Number(s)006-01384  Subdivision n/a  | Location of Property N Range 130000 / 006-00614-0000   | Lot 2 Cer<br>E  | Affecte                  | ed Acres              | 1.25                       |
| Town of Green Lake  Section 32 Town 15  Affected Parcel Number(s)006-01384  Subdivision n/a  | Location of Property N Range 130000 / 006-00614-0000 Lot   | Lot 2 Cer<br>E  | Affecte                  | ed Acres              | 1.25                       |
| Town of Green Lake  Section 32 Town 15  Affected Parcel Number(s)006-01384  Subdivision n/a  CSM n/a Lot   | Location of Property N Range 130000 / 006-00614-0000 Lot n/a or COS  | Lot 2 Cer E n/a n/a   | Affecte Block            | ed Acres _            | 1.25                       |
| Town of Green Lake  Section 32 Town 15  Affected Parcel Number(s)006-01384  Subdivision n/a  CSM n/a Lot Legal Description   | Location of Property   | Lot 2 Cer E n/a n/a   | Affecte Block            | ed Acres _            | 1.25                       |
| Town ofGreen Lake  Section32   | Location of Property   | Lot 2 Cer E n/a n/a Desc V415 P19                           | Affecte Block            | ed Acres _            | 1.25                       |
| Town ofGreen_Lake  Section32   |  | Lot 2 Cer E n/a n/a Desc V415 P19                           | Affecte Block  Diving in | ed Acres _ n/a        | 1.25                       |
| Town of Green Lake  Section Town15  Affected Parcel Number(s)^006-01384  Subdivision n/a  CSM n/a  | Location of Property N Range 130000 / 006-00614-0000 Lot n/a or COS  y map 956 V4 & that parcel as of Lot 2 CSM 180) Sec 32 W and C2 (bar/restaurant and 1) ent uses and improvements, | Lot 2 Cer E  n/a  n/a  Desc V415 P19  notel)  i.e. home, st | Affecte Block  Diving in | ed Acres _ n/a        | 1.25                       |
| Town of Green Lake  Section Town15  Affected Parcel Number(s)^006-01384  Subdivision n/a  CSM n/a Lot  Legal Description Grand view plat lot 1 of certified survey  Lot 2 Certified Survey Map 954 V4 (a Res  Current Zoning Classification C  Present Use of Property: (List all current) | Location of Property N Range 130000 / 006-00614-0000 Lot n/a or COS  y map 956 V4 & that parcel as of Lot 2 CSM 180) Sec 32 W and C2 (bar/restaurant and 1) ent uses and improvements, | Lot 2 Cer E  n/a  n/a  Desc V415 P19  notel)  i.e. home, st | Affecte Block  Diving in | ed Acres _ n/a        | 1.25                       |
| Town of Green Lake  Section Town15  Affected Parcel Number(s)006-01384  Subdivision n/a  CSM n/a   | Location of Property N Range 130000 / 006-00614-0000 Lot n/a or COS  y map 956 V4 & that parcel as of Lot 2 CSM 180) Sec 32 W and C2 (bar/restaurant and 1) ent uses and improvements, | Lot 2 Cer E  n/a  n/a  Desc V415 P19  notel)  i.e. home, st | Affecte Block  Diving in | ed Acres _ n/a        | 1.25                       |

# Land Use Planning & Zoning Department

Application for Conditional Use Permit

Property Owner: Little Green Lodge LLC (Anthony Goebel)

www.littlegreenlodge.com

Outdoor Restaurant Name: The Terrace at Little Green

#### • What is the history of the business and/or applicant?

CURRENT: The business was being used as a full-time restaurant and hotel under the name of Rose's Lakeside Pub. The restaurant serves food and liquor and the hotel is rented by the room through their own direct website and Airbnb.

APPLICANT: The new buyer, Tony Goebel, is an experienced local business owner that lives 18 miles east in Eldorado, WI. He owns a local insurance agency, real estate holding company, and vacation rental management company. He owns numerous large rentals (specifically in Door County) that were a Bed & Breakfast and turned them into successful group rentals and micro-wedding venues. Tony's brother, Noah Goebel and his partner Becky Rupple will be managing and running "The Terrace" restaurant, tiki bar and food truck. Noah is a bar manager at a high-end restaurant in Fond du Lac. Becky has experience running fish fries and 10+ years of restaurant experience. Tony's sister, Theresa Menting, is one of Fox Valley's top wedding planners. He plans to have this property combine all of their expertise to make it a thriving and successful business.

The property and hotel side of things will be professionally managed and marketed by Little Adventure Vacation Rentals LLC which has employees out of Fond du Lac and is owned by Tony Goebel.

## What is the history of the property and its current use?

The property has always been used as a restaurant and hotel. Current use is using it as a restaurant and a hotel. With the new owners, the building itself is rented to single groups for family reunions, vacations, and small weddings, so booked for private uses. The future use is to still use it as a restaurant and hotel.

#### • Describe in detail the proposed use of the property.

Ownership is already approved to use the property as a restaurant and hotel. We also are approved locally, with the health department, and Green Lake county zoning to park and serve out of food truck that we will park on our property. We want to add a few things to the existing approved CUP so we can better serve the public and improve our space.

- 1. Change use of waterfront storage shed to Tiki Bar There was an existing storage shed by the waterfront that was falling apart. We worked with Green Lake County zoning to replace it with a new storage shed with the same footprint. We use this currently has storage for boat related items and for alcohol. This shed we would like to use as a Tiki Bar to serve alcohol out of. It is not a new request for a building, only for changing the use from storage to Tiki Bar.
- 2. Bathroom Building plus small storage closet We are working closely with architects, engineers, and the state DSPS to have our space ADA compliant and following all rules. The state has given us one year to operate the outdoor restaurant using portable ADA outdoor bathrooms, but is requiring us to have a men's and women's bathroom accessible OUTSIDE the building closer to the outdoor seating area space. We are expecting the building to be around 12x17 feet. It is difficult to say until we actually start working on the area. We would also want an 8 foot by 12 foot overhang from this building towards the waterfront side of the property. Since this is raising the potential occupancy of the space, the state wants additional bathrooms. Some key considerations to approving this building:
  - a. We need to be approved to build a bathroom building to operate outside.
  - b. The location of where we want to put the bathroom building was previously a location of an existing building that was torn down many years ago. So we are asking to put a building back in the same location that a previous building was already located.
  - c. There is already a permanent fence around the location where this building would need to go. Which blocks some waterfront view.
  - d. Little Green Lodge also owns the cottage that is across the street that would be the most impacted by this building, but it is slightly affected by this new building.
- 3. Walk-in Cooler Storage Building We would like to have a walk-in cooler on the restaurant side of the road next to where the food and alcohol is being served and next to the bathroom building. It probably will be no larger than 8x12 feet. We will have a roof over the top of the walk-in cooler.
- 4. 10x20 storage shed on the south end of building. For safety and security reasons we want our employees and hotel guests to not walk across the road multiple times a day to access items in the storage shed. So we want to take some of the impervious surface from the north end of the property to put a small shed on the south end of the property.

#### **KEY ITEMS:**

The committee already approved a storage building that is 16x44 feet to be located in our parking lot side. We have realized that we do not want to take away parking lot space which is why we will ultimately end up not put a storage building here. Plus it is a safety risk to constantly have people walking across the road to access the storage shed.

If the committee will not approve the additional bathroom building to be built on the waterfront side of the property, then we need the committee to change the use of the shed that was approved on the east side (parking lot side) of the building to be a bathroom building with storage. We would then have the bathrooms located across the road and people will need to walk back and forth. This is not an ideal situation because we will have non patrons using our facilities, and it is more dangerous to the public. In working with the state inspector/DSPS, this would still be an acceptable option.

If the committee does not approve the walk-in cooler storage building on the west side of the road then we would have to put the walk-in cooler in the building that the CUP committee already approved for the parking lot side. This is also not ideal because this is where we will store food and alcohol, and leaves it up to much higher risk of theft. We also would have cooks and servers walking across the road to get additional food and alcohol, raising the risk for safety of our staff. We could also use portable refrigerated trailers on the restaurant side, but this is also not ideal or a long-term solution.

There are set-backs that we are dealing with so the set backs will determine the exact size, so we are asking for approval on the uses and the buildings, and given maybe a range for the building size within so many square feet.

#### • If applicable, include an operation and/or maintenance plan.

We do have a full-time maintenance employee that works for our company that is on call for any urgent issues for the property. Our ownership and management is located under 20 miles away as well. We don't have a specific operation and/or maintenance plan that would differ from current use.

#### • When will the property be used? (Seasonally? Set daily hours?)

The building itself will be year-round. The Terrace outdoor restaurant (with Tiki Bar and Food Truck) will operate basically May to October. We are starting this year Friday's and Saturday's but hopefully will expand to more dates next year.

• What will be done with the current structures, if any? - See attached drawings.

The existing buildings will stay. The only one we are asking for a change of use on is the waterfront storage shed to be used as storage plus as serving alcohol.

• What hazards, concerns, or disruptions may your proposed use pose to neighboring properties and the community as a whole? How can those concerns be addressed?

We are proposing the same conditional uses that the building is approved for now. The CUP committee already approved serving alcohol and food outside. In order for us to be compliant with the state, ADA, DSPS, we are being required to build outdoor bathrooms that are more accessible to the public that are using this space. I'm sure one neighbor will complain about blocking the view but this space was previously a building and it currently has a 6 foot privacy fence already there. We do not anticipate any hazards, concerns, or disruptions.

This will be a major positive for the community, for the locals, campground, and those that have properties on the lake. We are wanting to continue to invest in this property to make it a great space to attract people to the area, and a great value add for locals.

• What will be done to protect the human and environmental health of the surrounding area from negative impacts of this use?

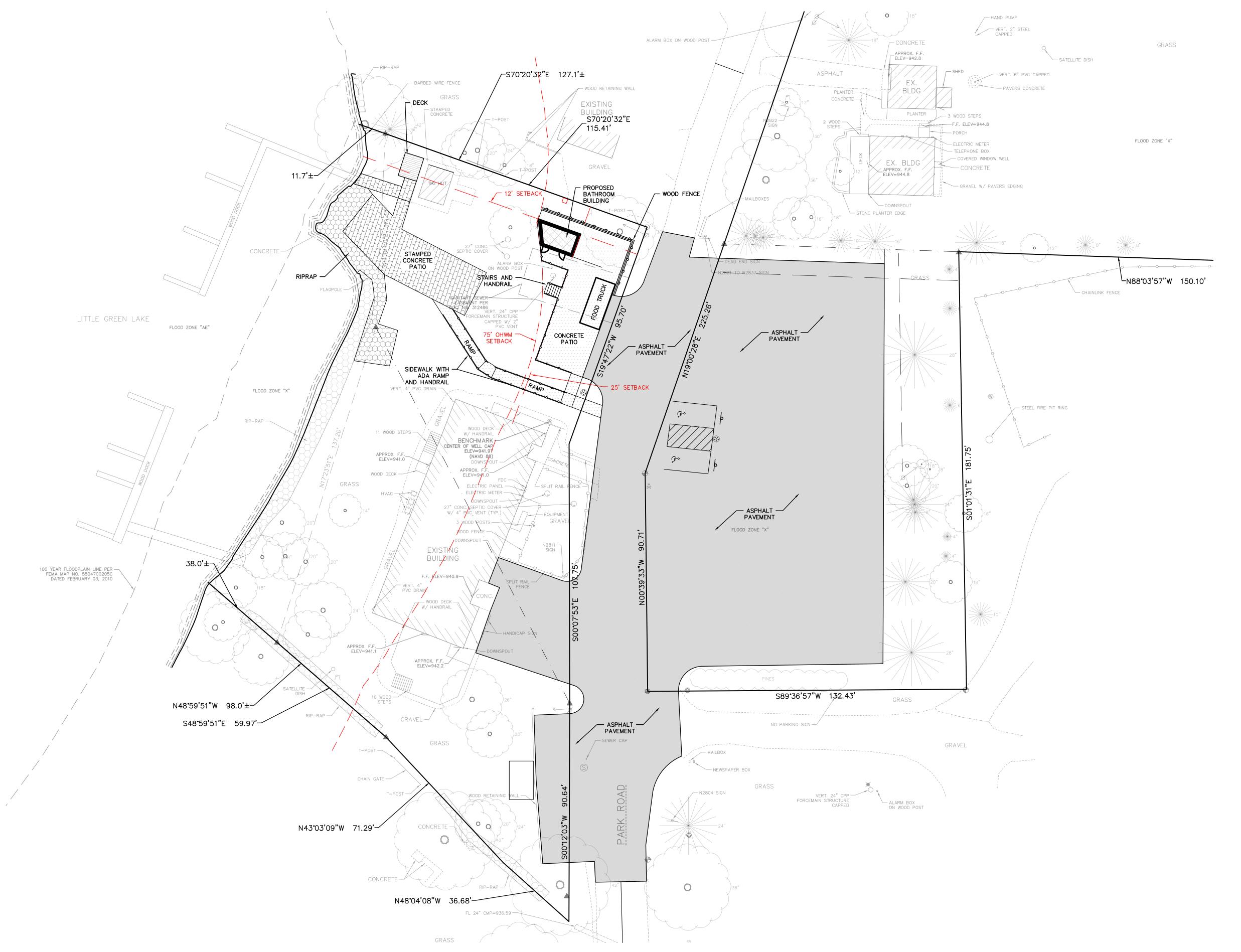
I don't foresee anything changing for this or an impact on human and environmental health from our business doing the same conditional use as the current owner (restaurant and hotel). Restaurants and bars can currently host outdoor events anytime they want on their property. We are just trying to do this the right way and look long-term by adding more accessible features for patrons.

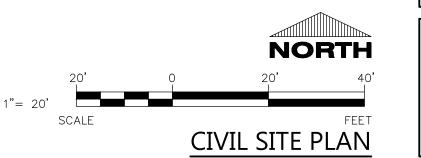
• Why was this property chosen for this business activity? How will this use benefit the community by being located on this specific property?

We already own the property and it is zoned as C1 and C2, as a restaurant and hotel. We are choosing to do this part of the property because it is a perfect location for a waterfront outdoor dining area. There is plenty of parking on the other side of the road.

• How would this business activity meet goals and objectives of the County's Comprehensive Plan? (This will be clear after meeting with Department staff prior to submitting the Conditional Use Permit application, as required above.)

It appears we are meeting the goals and objectives of the County's Comprehensive Plan based on what we have already read and seeing the current commercial zoning approved as a restaurant and hotel. We look forward to working with the Town of Green Lake, Green Lake County, and State of Wisconsin to make this a successful endeavor!





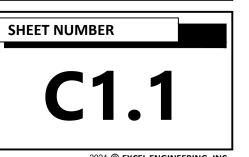


LAKEVIEW TERRACE FOR:

LITTE GREEN LODGE

N2811 PARK ROAD • MARKESAN, WI 53946

| PRELIMINARY DATES |              |
|-------------------|--------------|
| MAY 3, 2023       | >            |
| JUNE 9, 2023      | CONSTRUCTION |
|                   | _ <b>F</b> 5 |
|                   | _ 5          |
|                   | _ 🖁          |
|                   | - S          |
|                   | - S          |
|                   |              |
|                   | FOR          |
|                   | _ <b>Y</b>   |
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|                   |              |





#### LP SMART PANEL FEATURES

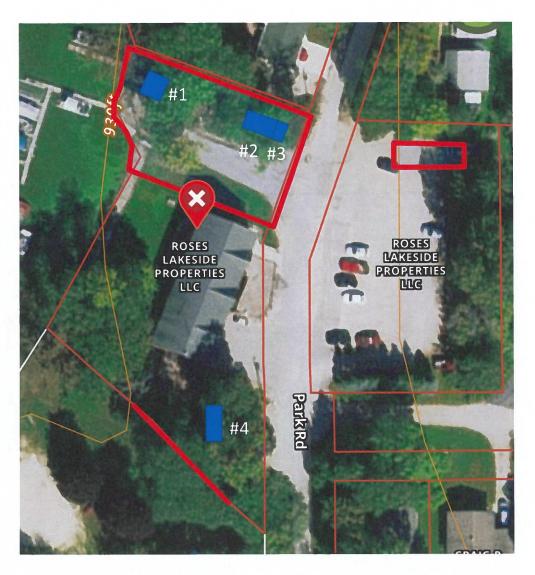
6'3" Sidewalls 6'x6' Double LP Doors 2 - 24x36 Windows Loft Space (8' wide buildings have a single 4' door)

#### STANDARD VINYL FEATURES

6'3" Sidewalls 6'x6' Double Vinyl Doors 2 - 24x36 Windows Loft Space (8' wide buildings have a single 3' door) #4 Storage shed example

Color is not selected yet.

10x20 feet 10 feet tall



#### SITE MAP for Little Green Lodge

N2811 Park Road, Markesan, WI

- #1 existing storage shed use change to Tiki Bar use
- #2 Bathroom building of roughly 12'x17'
  - 12 feet from north property line and the minimum required distance from the road.
- #3 Storage attached to bathroom building for walk-in cooler of 8'x12'.
  - 12 feet from north property line and the minimum required distance from the road.
- #4 Storage shed of 10'x20'
  - Around 25-30 feet from the road and more than 12 feet from the side set back from the park side

#### **Land Use Planning and Zoning Committee Staff Report**

Public Hearing August 3, 2023

Item I: Conditional Use Permit (CUP)

Owner: Applicant:

Little Green Lodge LLC Tony Goebel

**Request:** The owner/applicant is requesting a conditional use permit. The use would include the conversion of an existing shed to a tiki bar, the construction of a bathroom building with attached storage space and an additional storage shed.

<u>Parcel Number/ Location:</u> The request affects parcel 006-01384-0000 (±0.73 acres). The parcel is located in the NW ¼ of the NW ¼ of Section 32, T15N, R13E, Town of Green Lake. The site address is N2811 Park Rd.

Existing Zoning and Uses of Adjacent Area: The parcel 006-01384-0000 is zoned C-1, General Commercial District. The property is currently being used as event space with lodging on the second and basement levels. To the West, the property is bordered by Little Green Lake. Following the lakeshore to the south the neighboring property is zoned municipally under the City of Markesan and owned by the City and is used for open space with a few buildings. To the North and East, the properties are zoned as R-1, Single-Family Residence District, and appear to be used for single family residences. To the Southeast there is also a parcel zoned R-3, Multiple-Family Residence District that is used as a mobile home park.

<u>Additional Information/Analysis:</u> Originally this property was developed as a tavern in the 1970's. In 2004 the tavern burned down and was subsequentially rebuilt on parcel 006-01384-0000 under two conditional use permits. The 2004 CUPs approved reconstruction of the bar/restaurant use as well as the second story hotel/motel use. Earlier this year a CUP was approved to allow the current owner to utilize the lower level for hotel lodging purposes and to establish a mobile food / beverage truck.

This CUP request is to change the use of the existing shed on the property from storage to a tiki bar. The owner would also like to add an outdoor bathroom to meet ADA compliance with the commercial building requirements. A walk-in cooler building that would store food and alcohol is also being asked for and would be placed near the proposed bathroom. A shed on the south side of the property is also being requested to be added. The owner also provides an alternative location for the new buildings across Park Rd on the parcel (006-00614-0000).

<u>General Standards for Review of Conditional Use Requests:</u> It is important that the Committee maintain the purpose and intent of the County Zoning Ordinance when reviewing and approving a request of this nature. The Committee shall take into consideration, among other things, the recommendation of the affected town and the particular facts and circumstances of

each proposed use in terms of the standards found in Section 350-56 "Review of permit application; standards and conditions" of the County Zoning Ordinance. The Committee need not consider requirements that would apply to the local Town, other County, State or Federal entities of jurisdiction.

<u>County Staff Comments:</u> This request should be reviewed by the Committee to determine if it meets the general criteria for review as cited above. If the Committee wishes to approve this request, the following conditions may be appropriate:

- No additional expansion or addition of structures and/or uses relating to this conditional
  use permit shall occur without review and approval through future conditional use
  permit(s).
- 2. That the owners/applicants are responsible for obtaining permits and licenses from any other regulatory agency, if required.
- 3. That the owner/applicant apply for and receive a Land Use Permit prior to making any changes authorized through this conditional use permit approval process.
- 4. That within one year of CUP approval the owner/applicant provide appropriate vegetative screening or code-compliant fencing to hide the dumpsters as well as provide privacy screening to neighbors to the parking lot.
- That if vegetative screening is utilized instead of privacy fencing, any dead, dying or diseased vegetation shall be removed and replaced with viable and effective, visualscreening vegetation as soon as practicable.
- 6. No new structures, authorized by this conditional use permit, shall be located within the Little Green Lake Protection and Rehabilitation District's maintenance easement.

<u>Town of Green Lake:</u> The Town Board Action request for the Conditional Use Permit was sent to the Town Clerk on June 13, 2023. The Town Board does not object to and approves the request.

# **TOWN BOARD ACTION**

Dear Land Use Planning and Zoning Committee:

| Please be advised that the Town Board                              | d of Green Lake, County of Green Lake, took the following action on - |
|--|---|
| (Date) 7-10-2023   |   |
|  |   |
| Owner/Applicant: Little Green Lodge                                | LLC   |
| Agent: Anthony Goebel  |   |
| Site Location: N2811 Park Road, Man                                | kesan   |
| General legal description: Parcel 006                              | -01384-0000, 006-00614-0000, Town of Green Lake, ±1.25 acres          |
| <b>Request:</b> Update current Conditional building, storage shed. | Use Permit to include a Tiki Bar, bathroom building, walk-in cooler   |
| Planned public hearing date for the a                              | above requests: August 3rd, 2023                                      |
| Town Does Not object to and A                                      | Approves of request # Sec. Notes                                      |
| No action taken  |   |
| Objects to and requests denial                                     | of request  |
| NOTE: If denial – please enclo                                     | •   |
|  | se rown resolution of demai   |
| <ul> <li>Reason(s) for objection:</li> </ul>                       |   |
|  |   |
|  |   |
| 6.10   |   |
| Markow)  | 1-10-2023   |
| Town Representative  | Date Signed   |
| NOTES: We do not obje  | of so long as any buildings or<br>+ built within the sewer easement.  |
| Structures are no  | + built within the sewer easement.                                    |
| If they are then we  | would strongly object.  |
|  | 41 4  |

Please return this form to the Land Use Planning & Zoning Office by: July 19th, 2023

# GREEN LAKE COUNTY Conditional Use Permit

# DETERMINATION OF THE LAND USE PLANNING AND ZONING COMMITTEE

| Public Heari                             | ng Date: August 3, 2023  |
|--|--|
| Owner:                                   | Little Green Lodge LLC   |
| Agent:                                   | Anthony Goebel .   |
| Parcel:                                  | #006-01384-0000, 006-00614-0000, N2811 Park Rd, Town of Green Lake   |
| Request:                                 | Conditional Use Permit for tiki bar, bathroom building, walk-in cooler building, and storage shed.   |
| Curt Talma,                              | Chair Committee:   |
| W. Ulla<br>William Bout                  | well Chuck Buss, Vice Chair  |
| Gene Thom                                | han  |
|  | 17/2013  |
| <b>.</b>                                 | ote: Ayes 5 Nays 0 Abstain 0 Absent 0  |
| Approve VZI w                            | ith the conditions (listed below)  |
| Deny.                                    | itil the conditions (listed below)   |
| ☐ Modify as                              | follows:   |
| condicondicondicondicondicondicondicondi | ditional expansion or addition of structures and/or uses relating to this tional use permit shall occur without review and approval through future tional use permit(s). the owners/applicants are responsible for obtaining permits and licenses any other regulatory agency, if required. the owner/applicant apply for and receive a Land Use Permit prior to making thanges authorized through this conditional use permit approval process, within one year of CUP approval the owner/applicant provide appropriate tative screening or code-compliant fencing to hide the dumpsters as well as de privacy screening to neighbors to the parking lot. if vegetative screening is utilized instead of privacy fencing, any dead, dying seased vegetation shall be removed and replaced with viable and effective, I-screening vegetation as soon as practicable. |



BRU

TERE

#4 Little Green Lodge LLC

7 R3 Zoning

Campground

Little Greer

#5

Little

Green

Lodge LLC

# Site Map of N2811 Park Road, Markesan, WI Little Green Lodge LLC

#3 Wroblewski

Little Green

Lodge LLC

**And Restaurant** 

#6 Public Park

CITY OF MARKESAN

Under paragraphs 2A and 2C call for the property to not Be detrimental to the public Health or public interest.

#### There is not a harm to public Health or public interest.

- 1. This property is already, and has been C1 commercially zoned as a hotel and restaurant use for 40+ years. The CUP did not change the use that was already established for the existing C1 property.
- 2. The appeal was filed by property owners that bought their property knowing the were buying next to a C1 zoned property.
- 3. The property is surrounded by 3 short term rentals, a C2 zoned parking lot, a public park and a R3 zoned property used as a campground
- 4. The existed storage shed That was approved as a tiki Bar was replaced with a LUP In the same spot and size. Which was able to be done.

There is not a better spot on Little Green Lake to have this C1 property.

# KEY:

Entire property owned by Little Green Lodge LLC is C1 zoned property for hotel and restaurant use. #1 Located in Shoreland Zoning District and not the Shoreland Wetland District. Zoned C1 for 30+ years.

Soldiers-

Sailors

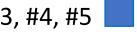
Park

Separate tax parcel that is C2 zoned property owned by Little Green Lodge LLC used as parking lot. #2

There are three properties zoned R1 Residential that boarder the property. Including the #3, #4, #5 Wroblewski's and two that the applicant (Little Green Lodge LLC) owns. All three are licensed with the County of Green Lake as short term rentals and not private homes.

#6 Public Park owned by the City of Markesan. Soldiers-Sailors Park

#7 R3 zoned property operating as a campground.





Page 9 is site map with tiki bar building identified as a "shed"

**Vith Conditions** (listed below)

odify as follows:

#### **Conditions of Approval:**

- That the owner/applicant contact the Green Lake County Land Conservation Department to determine if any permits are required for the Green Lake County Construction Site Erosion Control and Storm Water Management Ordinance.
- 2) That the residential component of the structure for this owner not exceed the size shown on the floor plan as submitted and the commercial component not exceed one floor of the building footprint and all other zoning standards be adhered to.
- That there be off-street parking provided in compliance with the provisions of Section 3.7(5) Off-Street Parking.
- That a revised building site plan be submitted with the land use permit to identify:
  - (a) Any outdoor lighting that will occur.
  - (b) Final site plan information showing building footprint, yard setbacks, building elevation views, building enhancements such as patios, decks, extended overhangs, off-street parking, landscaping, etc.
- 5) That the owner/applicant apply for and receive a Land Use Permit prior to the start of construction.

# Conditions of Approval:

- That the owner/applicant provide appropriate landscaping to hide the dumpsters.
- 2) That the owner/applicant comply with the provisions of Section 3.7(5) Off-Street Parking.

  4. 2004, masting, the Green Lake County Land Use Planting and Zening County.

#### GREEN LAKE COUNTY CONDITIONAL USE

# DETERMINATION OF THE LAND USE PLANNING AND ZONING COMMITTEE P.H. DATE:

August 4, 2004

APPLICANT/:

Vande Lake and Land, LLC

OWNER:

Jon Vande Brink

PARCEL #:

006-1384-0000 (± .703 acres)

Grand View Plat Lot 1 of Certified Survey Map 956, V4 & that Parcel as Desc V415 P19 Lying in SW1/4 NW1/4 Sec 32 T15N R13E . Town of Green

ZONING:

C-1 General Commercial

REQUEST: Conditional Use Permit per Green Lake County Zoning Ordinance Section 4.6.1(B) Conditional Uses in a C-1 General Commercial District to rebuild and expand their previously existing bar/restaurant and residential area in a conforming zoning district area.

or a revised true line steplan be againsted with the

Mc Comell

Land Use Planning and Zoning Committee:

Date signed: September 1, 2004



## Land Use Planning & Zoning Department 492 Hill Street P.O. Box 3188 Green Lake, WI 54941

Green Lake County is an Equal Opportunity Employer

Planning: (920) 294-4156 Zoning: (920) 294-4026 Surveyor: (920) 294-4030 (920) 294-4174 (920) 294-4104

September 10, 2004

Vande Lake & Land, LLC Jon Vande Brink P.O. Box 91 Markesan, WI 53946

Re: Conditional Use Permit - Parcel # 006-1384-0000

Dear Mr. Vande Brink:

At its August 4, 2004, meeting, the Green Lake County Land Use Planning and Zoning Committee considered and approved your Conditional Use Permit request for:

Rebuilding and expanding your previously existing bar/restaurant and residential area in a conforming zoning district area.

The Committee signed/officially granted your Conditional Use Permit at its committee meeting on September 1, 2004, basing its approval on the following condition:

1) That the owner/applicant contact the Green Lake County Land Conservation Department to determine if any permits are required for the Green Lake County Construction Site Erosion Control and Storm Water

2) That the residential component of the structure for this owner not exceed the size shown on the floor plan as submitted and the commercial component not exceed one floor of the building footprint and all 3) That there be off-street parking provided in compliance with the provisions of Section 3.7(5) Off-Street

4) That a revised building site plan be submitted with the land use permit to identify:

(b) Final site plan information showing building footprint, yard setbacks, building elevation views, building enhancements such as patios, decks, extended overhangs, off-street parking, That the owner/applicant apply for and receive a Land Use Permit prior to the start of construction.

At its September 1, 2004, meeting, the Green Lake County Land Use Planning and Zoning Committee considered and approved your Conditional Use Permit request for:

#### Construction of a hotel/motel business above the bar/restaurant business.

As with the first request, the Committee signed/officially granted your Conditional Use Permit at its committee meeting on September 1, 2004, basing its approval on the following condition:

1) That the owner/applicant provide appropriate landscaping to hide the dumpsters.

2) That the owner/applicant comply with the provisions of Section 3.7(5) Off-Street Parking.

If you have any questions, please feel free to contact the Planning Office at 294-4156.

Sincerely,

Cc:

Administrative Assistant

Nancy J. Zastrow, Town of Green Lake Clerk

Copy of Conditional Use Permit Enc.

#### GREEN LAKE COUNTY CONDITIONAL USE

# DETERMINATION OF THE LAND USE PLANNING AND ZONING COMMITTEE

P.H. DATE:

September 1, 2004

APPLICANT/: Vande Lake and Land, LLC

OWNER:

Jon Vande Brink

PARCEL #: 006-1384-0000 (± .703 acres)

Grand View Plat Lot 1 of Certified Survey Map 956, V4 & that Parcel as Desc V415 P19 Lying in SW1/4 NW1/4 Sec 32 T15N R13E. Town of Green

Lake.

ZONING:

C-1 General Commercial

Conditional Use Permit per Green Lake County Zoning Ordinance Section REQUEST: 4.6.1(B) Conditional Uses in a C-1 General Commercial District for the construction of a

hotel/motel business above the bar/restaurant business. the provisions of Section 3.7(5) Off-

Land Use Planning and Zoning Committee:

Dulla Bresonthel Orville Biesepthal

John Brénnan

Susan McConnell

Wallace Williams

Date signed: September 1, 2004

| CDEE  |             |
|-------|-------------|
| GKEEN | LAKE-COHNTY |

PART

Check #\_ 1273

Receipt # 1042

#### LAND USE PERMIT APPLICATION

Land Use Planning & Zoning 492 Hill St., P.O. Box 3188 Green Lake, WI 54941

Date 826-04

PZZ-001 (07/04)

| _                              | 5 2004Phone: (920) 294-4026   |
|--------------------------------|---|
| ۲1                             | COUNTY USE ONLY  Parcel/Tax ID # 006 - 1384 - 0000   Issued 8-6-04   Permit # 9671  |
| LANT II (Black of blue link on | Owner         VANDE LAKE ! LAND LLC         Contractor (Applicant)         DAUE 2 ARE!. (ONST RUCTION Name           ADST IL PARK Rd. PO. BOX 91         Address         Address         TOLEDO RO           Address         MISSTER STATE STAT   |
|                                | Type of   Project #1   Distances to   Dimensions   Distances to   Dimensions   Distances to   Distances to   Dimensions   Distances to   Distances to   Dimensions   Distances to   Distances   |
| i                              | COUNTY USE ONLY  Yes, No  Shoreland |
| 1                              | The owner, or contractor acting on behalf of the owner, hereby certifies that the information submitted on and with this application, is true a correct to the best of their knowledge. The owner hereby grants Green Lake County Zoning staff permission to enter the subject property correct to the best-of their knowledge. The owner hereby grants Green Lake County Zoning staff permission to enter the subject property correct to the base of their staff of the contraction and of the subject to the rules in force at the time of renewal. This permit may be renewed prior to expiration and if so will be subject to the rules in force at the time of renewal, the date of issuance. This permit may be renewed prior to expiration and if so will be subject to the rules in force at the time of renewal, the date of issuance. This permit may be renewed prior to expiration and if so will be subject to the rules in force at the time of renewal.  Permit Fee \$\frac{100.00}{200.000}\$ Owner/Contractor Signature  Owner/Contractor Signature  Date \$\frac{100.000}{200.0000}\$ Date \$\frac{100.000}{200.0000}\$ Date \$\frac{100.000}{200.0000}\$ Date \$\frac{100.000}{200.0000}\$ Date \$\frac{100.000}{200.00000}\$ Date \$\frac{100.000}{200.00000}\$ Date \$\frac{100.000}{200.000000}\$ Date \$\frac{100.000}{200.0000000000000000000000000000   |

Zoning Official Signature

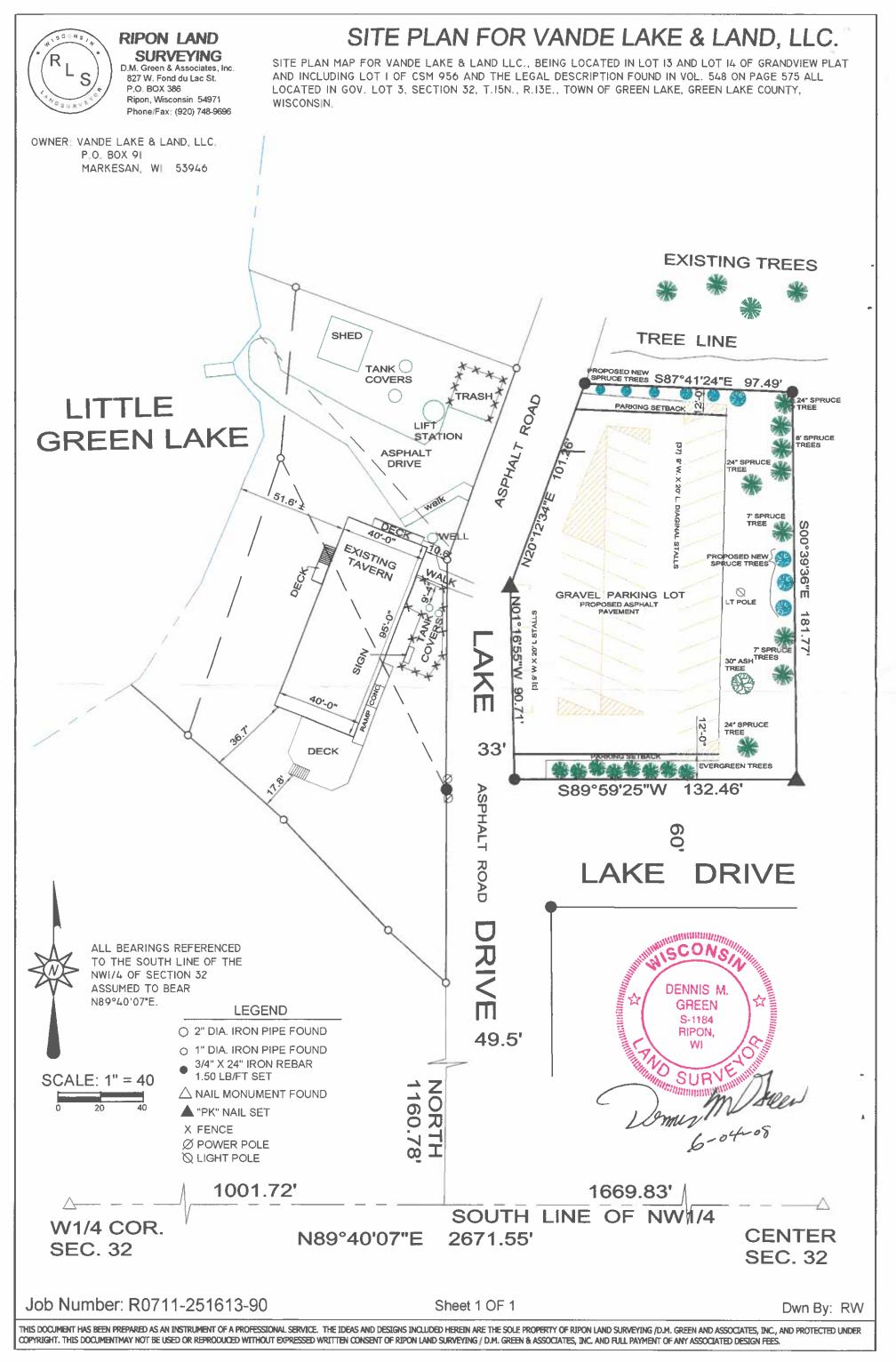
All Checks Payable to "Green Lake County"

| GREE | N LAKE | COU | NTY |
|------|--------|-----|-----|

# LAND USE PERMIT APPLICATION

Land Use Planning & Zoning 492 Hill St., P.O. Box 3188 Green Lake, WI 54941 Phone: (920) 294-4026

|  | PART              | COUNTY USE ONLY  Parcel/Tax ID # 006 - /384 - 0000   Date   Issued 10-5-0#   Permit # 9729   |
|--|-------------------|--|
|  |                   | Owner Vande take tand the Contractor (Applicant)  NZBI Park Rosed  NZBI Park Rosed  Address  NZBI Park Rosed  Address  NZBI Park RA  Parcel/Tax ID# DOB - 1784 - 0000  Site Address NZBI Park RA  Parcel/Tax ID# DOB - 1784 - 0000  Sownship Green Lake  NW N, NW N, Sec 37 , T15 N, R13 E  Toposed Project(s)  Toposed Project(s)  Agricultural & Commercial   Industrial   Recreational   Residential   Other  |
| The second secon |                   | Type of   Project #1   Distances to   Distances     |
| PART III COUNTY USE ONLY   | Y 0 0 0 0 0 0     | Dunty USE ONLY  S No  Shoreland  Welstand  Floodway  Floodyain  Welland  Floodplain  Welland  Welland  Floodplain  Welland  Welland  Floodplain  Welland  Welland  Floodplain  Welland  Welland  Welland  Floodplain  Welland  Wella |
| VI LARL  | insp<br>the<br>Pe | where, or contractor acting on behalf of the owner, hereby certifies that the information submitted on and with this application, is true and ct to the best of their knowledge. The owner hereby grants Green Lake Country Zoning staff permission to enter the subject property to cit the above-described projectly for compliance with all applicable conditions and ordinances. This permit is valid for one year from a tent of issuance. This permit may be renewed prior to expiration and if so will be subject to the rules in force at the time of renewal.  Therefore, the provided from the property of the property of the property of the property to the property of the prope |



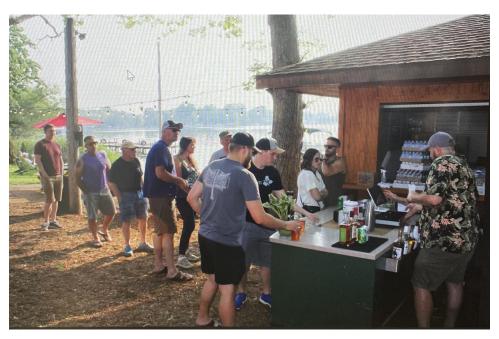
# Opening night of The Terrace at Little Green. Friday June 23, 2023 Exhibit 3





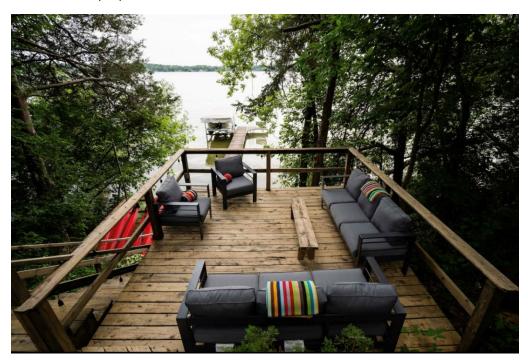


В



**Exhibit 4** - Photos of "Boathouses" on Little Green Lake

Two R1 zoned properties that are licensed as Short Term Rentals







В

#### **Tony Goebel**

From:

Rezabek, Dale H - DNR < Dale.Rezabek@wisconsin.gov>

Sent:

Thursday, December 14, 2023 1:16 PM

To:

Tony Goebel; Kirkman, Matt

Subject:

RE: Local WDNR Shoreland Zoning Secialist

Exhibit 5

Hi Tony,

Matt can answer the questions since shoreland zoning and comprehensive zoning are administered by the county. The department provides technical assistance to the county for shoreland zoning. The CUP was under comprehensive zoning.

#### Dale

#### We are committed to service excellence.

Visit our survey at http://dnr.wi.gov/customersurvey to evaluate how I did.

#### Dale Rezabek, PG (He/Him/His)

Shoreland Specialist WDNR Waterways Program Phone: (920) 267-1739 Dale Rezabek@wisconsin.gov

From: Tony Goebel <tony@5gbenefits.com> Sent: Thursday, December 14, 2023 8:12 AM

To: Kirkman, Matt <mkirkman@greenlakecountywi.gov>
Cc: Rezabek, Dale H - DNR <Dale.Rezabek@wisconsin.gov>

Subject: Re: Local WDNR Shoreland Zoning Secialist

CAUTION: This email originated from outside the organization.

Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Matt and Dale,

I spoke to the corporate council for Green Lake county board of adjustments. We will have to present a case for the facts about our situation to the BOA.

I have relied to this point on both of you for your interpretation of the rules since you both know them better than anybody.

I have verbal discussions with both of you on this but I will need to have some sort of "presentation" to the BOA of the reasoning.

Exhibit 6

#### Tony Goebel

From:

Tony Goebel

Sent:

Thursday, April 20, 2023 12:44 PM

To:

Trace.R.Strahle@usace.army.mil; Cynthia.A.Calhoun@usace.army.mil

Cc:

Brown, Noah; Kirkman, Matt; eric.stadig@wisconsin.gov; Rezabek, Dale H - DNR

Subject:

FW: Green Bay Team n2811 park road

Hi Trace.

Thank you for the email and confirmation that I don't need a US Army Corps of Engineers permit. I will save for my file. I am also coing the WDNR and Green Lake County zoning so they have this for their files as well.

Tony Goebel, LUTCF Owner/CEO Insurance & Health Adviser

5G Benefits & Insurance Office: 1-920-385-1554 Call/Text: 920-251-9004

Fax: 1-920-227-2247 (must dial 1)

2020 EBA Magazine Rising Star in Advising Trust Our Family Business...With Yours. ®

----Original Message----

From: Strahle, Trace R CIV USARMY CEMVP (USA) < Trace.R. Strahle@usace.army.mil>

Sent: Thursday, April 20, 2023 12:07 PM To: Tony Goebel <tony@5gbenefits.com>

Cc: Calhoun-Kosiec, Cynthia A CIV USARMY CEMVP (USA) < Cynthia. A. Calhoun@usace.army.mil>

Subject: RE: Green Bay Team n2811 park road

Hi Tony,

Thank you again for reaching out to the U.S. Army Corps of Engineers regarding your upcoming concrete pad project.

Per our conversation earlier today (04/20/2023) you indicated all the work done will be located in uplands and no work will be done in a Water of the Unites States (WOUS). We regulate the discharge of dredged or fill material into WOUS. You provided sufficient information in your questionnaire email and over the phone to explain you project purpose, need, and regulated work.

No work in your project will be done in a WOUS (Little Green Lake); therefore, you do not need a permit from the U.S Army Corps of Engineers.

Thank you for your time. If you have any questions feel free to reach out to me.

Kind Regards.

Trace Strahle Regulatory Specialist U.S. Army Corps of Engineers

#### **Tony Goebel**

From:

Quam, Tyler - DOR < Tyler. Quam@wisconsin.gov>

Sent:

Thursday, April 13, 2023 3:15 PM

To:

Tony Goebel

Subject:

RE: Little Green Lodge

Hi Tony,

As discussed during our phone conversation, an alcohol beverage retailer must particularly describe their licensed premises in the application for a retail alcohol beverage license. The premises description may describe the entire property or a portion of the property (subject to municipal approval). As discussed, any licensed premises must comply with all pertinent Wisconsin alcohol beverage laws. Certain laws and prohibitions may also apply to unlicensed areas. Below are some statutes that may be pertinent to your situation:

125.02(7) "Hotel" means a hotel, as defined in s. 97.01 (7), that is provided with a restaurant.

125.04(1) License or permit; when required. No person may sell, manufacture, rectify, brew or engage in any other activity for which this chapter provides a license, permit, or other type of authorization without holding the appropriate license, permit or authorization issued under this chapter.

125.04(9) Separate license or permit required. Except as provided under ss. 125.27 (2) (a) and 125.51 (5) (c) 1., wholesalers, manufacturers, rectifiers, brewers, brewpubs, and retailers shall have a separate permit or license covering each location or premises, except a licensed public warehouse, from which deliveries and sales of alcohol beverages are made or at which alcohol beverages are stored.

#### 125.09 General restrictions.

(1) Public place. No owner, lessee, or person in charge of a public place may permit the consumption of alcohol beverages on the premises of the public place, unless the person has an appropriate retail license or permit. This subsection does not apply to municipalities, buildings and parks owned by counties, regularly established athletic fields and stadiums, school buildings, campuses of private colleges, as defined in s. 16.99 (3g), at the place and time an event sponsored by the private college is being held, churches, premises in a state fair park or clubs. This subsection also does not apply to the consumption of fermented malt beverages on commercial quadricycles except in municipalities that have adopted ordinances under s. 125.10 (5) (a).

125.32(3m) Limitations on other business; Class "B" premises. No Class "B" license or permit may be granted for any premises where any other business is conducted in connection with the premises, except that this restriction does not apply if the premises for which the Class "B" license or permit is issued is connected to premises where other business is conducted by a secondary doorway that serves as a safety exit and is not the primary entrance to the Class "B" premises. No other business may be conducted on premises operating under a Class "B" license or permit. These restrictions do not apply to any of the following:

- (a) A hotel.
- (b) A restaurant, whether or not it is a part of or located in any mercantile establishment.
- (c) A combination grocery store and tavern.
- (d) A combination sporting goods store and tavern in towns, villages and 4th class cities.
- (e) A combination novelty store and tayern.
- (f) A bowling center or recreation premises.
- (g) A club, society or lodge that has been in existence for 6 months or more prior to the date of filing application for the Class "B" license or permit.
- (h) A movie theater.

Exhibit 7

#### **Tony Goebel**

To:

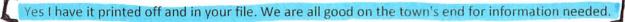
Subject:

Town of Green Lake Clerk RE: Final designated premises Exhibit 8

From: Town of Green Lake Clerk <townofgreenlakeclerk@gmail.com>

Sent: Saturday, August 12, 2023 12:51 PM To: Tony Goebel <tony@5gbenefits.com> Subject: Re: Final designated premises

Tony,



Thanks, Katie Mehn

On Fri, Aug 11, 2023 at 9:31 PM Tony Goebel < tony@5gbenefits.com > wrote:

Katie,

I need to verify how the Town of Green Lake has the premises for our beer and liquor license properly labeled. According to the Department of Revenue we need to specifically describe what is licensed and unlicensed on our property. Here is what I requested the Town of Green Lake formally label for the designated premises for our Class B Beer and Liquor licenses.

Does the Town of Green Lake have this properly noted on our license back from April 20<sup>th</sup> when I requested this you said you would print off the email and attach it with our liquor license.

A 10,000 SF section of outside area on the north side of N2811 Park Road, Markesan, WI. In the designated premises includes a food truck, tiki bar, temporary event tents, boat slips, and portable serving bars. Storage of alcohol overnight is to be inside the locked tiki bar storage, or food truck, then brought out to portable serving bars inside the premises for sale and consumption. The existing building at N2811 Park Road, Markesan, WI is a completely unlicensed hotel facility with no sale, consumption, or storage of alcohol using the Class B liquor or beer licenses.

I added on June 20<sup>th</sup> that we would store in the shed on the parking lot side and provided the map of our designated premises for the Town of Green Lake.

#### § 350-32**C-1 General Commercial District.**

The C-1 General Commercial District is intended to provide an area for business and commercial needs; it can be especially useful for those conditions where commercial businesses are located in a centrally situated business district.

#### Α.

Permitted uses.

#### <u>(1)</u>

Art shop, antique shop and gift shop.

#### <u>(2)</u>

Boat livery, service and repair shop.

#### **(3)**

Drugstore, ice cream shop, pharmacy and soft drink stand.

#### **(4)**

Food and drug establishments (retail), delicatessens, fruit and vegetable store, grocery store, and meat and fish markets.

## **(5)**

Signs pertaining to the conduct of a business on the premises.

## (6)

Such accessory uses as are customary in connection with the foregoing uses and are incidental thereto.

## <u>B.</u>

Conditional uses. An application for a conditional use permit shall not be approved unless, at a minimum, it complies with the conditions and standards set forth in Article <u>VII</u>, Conditional Use Permits.

## <u>(1)</u>

Hotel or motel.

## <u>(2)</u>

One single-family residential use may be allowed on a lot or parcel in this district. The single-family residence shall only be occupied by the owner or operator of the commercial use.

[Amended 9-20-2022 by Ord. No. 17-2022]

## **(3)**

Automobile service establishment.

#### <u>(4)</u>

Restaurant, barbecue stand, cafe, cafeteria, caterer, tavern and package fermented beverage and liquor store.

## **(5)**

Parking lot.

#### (6)

Public garage.

#### <u>(7)</u>

Storage building.

#### (8)

Municipal buildings, including administrative office, meeting hall and attached inside storage of municipal vehicles and equipment, with no outside storage allowed; no municipal accessory structure allowed on a premises until the principal structure is present.

[Added 10-17-2006 by Ord. No. 880-06]

#### C.

Area, height and setback regulations: Refer to §§ <u>350-18</u>, <u>350-19</u> and <u>350-20</u>. [Amended 11-14-2017 by Ord. No. 22-2017]

## <u>D.</u>

Highway setbacks: Refer to § 350-50A.

[Amended 11-14-2017 by Ord. No. 22-2017]

§ 350-14Nonconforming uses, structures and lots or parcels. [Amended 11-14-2017 by Ord. No. 22-2017]

#### A.

Nonconforming uses.

#### <u>(1)</u>

The existing lawful use of a structure or premises upon the effective date of this chapter or any amendment thereto may be continued although such does not conform to the provisions of this chapter for the district in which it is located, but such nonconforming use shall not be extended. The construction of a private residential accessory structure shall not be considered as the extension of a nonconforming use.

#### **(2)**

If no structural alterations are made, a nonconforming use of a structure may be changed to another nonconforming use of the same or a more restricted classification. Whenever a nonconforming use has been changed to a more restricted nonconforming use or a conforming use, such use shall not thereafter be changed to a less restricted use.

## **(3)**

If a nonconforming use of a structure or premises is discontinued for a period of 12 consecutive months, any future use of the structure or premises shall conform to the regulations for the district in which it is located.

## <u>(4)</u>

If a premises contains an existing nonconforming use, a conforming use shall not be permitted on that premises until such time as the nonconforming use is discontinued or brought into compliance with the provisions of this chapter.

## <u>(5)</u>

(Reserved)

## **(6)**

Passage of this chapter in no way legalizes any illegal uses existing at the time of its adoption.

## <u>B.</u>

Nonconforming structures. Structures that were lawfully constructed prior to the effective date of this chapter that are conforming to this chapter as to use but

do not conform as to dimensional rules (setbacks, height, separations, etc.) and which are proposed to be altered are subject to the following requirements:

#### **(1)**

Repairs and improvements of a maintenance nature are allowed.

#### **(2)**

Alterations, additions and expansions that change the exterior dimension of the structure and that conform to the dimensional rules of this chapter are allowed.

## **(3)**

Alterations, additions and expansions that change the exterior dimensions of the structure and that do not conform to this chapter, but which do not increase the dimensional nonconformity beyond that which existed prior to the effective date of this chapter, are allowed, provided that they do not exceed 50% of the current total assessed value of the structure for the lifetime of the structure. Also see § <u>350-51</u> relating to existing nonconforming buildings, signs, structures, or parts thereof located in highway setbacks.

## <u>(4)</u>

No alterations, additions or expansions may occur that will increase the dimensional nonconformity.

## (5)

Per § 59.69(10e)(a) and (b), Wis. Stats., a nonconforming dwelling or nonconforming building, or part thereof, shall be permitted to be rebuilt so long as the three-dimensional building envelope is not increased.

[Added 3-19-2019 by Ord. No. 2-2019]

## C.

Nonconforming lots or parcels.<sup>III</sup> Any lot or parcel created prior to the effective date of this chapter, or revisions and/or amendments thereto, which does not meet the current minimum lot or parcel size standards of this chapter shall not be reduced in size unless the reduction results in compliance with the minimum lot or parcel size standard of the zoning district in which it is located.

## [1]

Editor's Note: Original § 3.3(4)(c)1, which was included in this subsection, is now included as the definition of "nonconforming lot" in § 350-77.

## D.

(Reserved)[2]

[2]

Editor's Note: Former Subsection D was repealed 9-20-2022 by Ord. No. 17-2022.

#### <u>E.</u>

Split-zoned lots or parcels: In no case shall a land use permit be issued to a property owner or property owner's agent for a lot or parcel that is split-zoned. In these cases, the property owner shall consult the Land Use Planning and Zoning Department to obtain a resolution strategy to remedy the split-zoning condition. The resolution strategy could include a comprehensive plan amendment, rezone, and a certified survey map. Once the split-zoning condition has been eliminated, a land use permit may be issued subject to the provision of this chapter.

## § 338-32Building setbacks.

Permitted building setbacks shall be established to conform to health, safety and welfare requirements, preserve natural beauty, reduce flood hazards, and avoid water pollution.

#### Α.

Shoreland setbacks. Unless exempt under § 338-32A(1), or reduced under § 338-32B, a setback of 75 feet from the ordinary high-water mark of any navigable waters to the nearest part of a building or structure shall be required for all buildings and structures.

[Amended 11-12-2019 by Ord. No. 18-2019]

#### (1)

Exempt structures. Per § 59.692(1n)(d), Wis. Stats., all of the following structures are exempt from the shoreland setback standards in § **338-32A**:

## <u>(a)</u>

Boathouses located entirely above the ordinary high-water mark and entirely within the access and viewing corridor that do not contain plumbing and are not used for human habitation. All boathouses shall adhere to the following conditions:

#### <u>[1]</u>

The construction or placement of boathouses below the ordinary high-water mark of any navigable waters shall be prohibited.

## [2]

Boathouses shall be designed and constructed solely for the storage of watercraft and related equipment.

## [3]

One boathouse is permitted on a lot or parcel as an accessory structure.

## [4]

Boathouses shall be designed and constructed to not destabilize the existing slope. Final grades must be at a slope that is naturally stable, depending on soil type. All boathouse construction projects that require land disturbing activities shall be authorized in accordance with § <u>338-41</u> of this chapter.

[Amended 12-21-2021 by Ord. No. 38-2021]

## [5]

Boathouses shall be constructed in conformity with local floodplain zoning standards. Fill, elevation surveys, or other documentation may be required within 180 days of permit issuance, per § 300-38B(4).

#### [6]

Boathouses shall be one story with sidewalls not exceeding 10 feet in height and a footprint entirely within the access and viewing corridor of the vegetative buffer. The footprint is not to exceed 16 feet in width by 24 feet in depth, with the width running parallel to the shore.

#### [7]

Boathouse roofs shall be designed with a pitched roof having a minimum slope of 2/12, a maximum slope of 6/12, and in no case shall be designed for use as a deck, observation platform, or for other similar uses. Dormers are allowed so long as the dormer's height does not exceed the height of the main ridge line of the boathouse. One cupola, no greater than 30 inches in length and width, is allowed on the main ridge line. Parapet walls are not allowed.

[Amended 12-21-2021 by Ord. No. 38-2021]

## [8]

Earth-toned color shall be required for all exterior surfaces of a boathouse. For the purpose of this chapter, the color white is an earth-toned color.

[Amended 12-21-2021 by Ord. No. 38-2021]

## [9]

The boathouse's main door shall face the water and shall be at least 50% of the width (measured running parallel to the shore) of the boathouse.

[Amended 12-21-2021 by Ord. No. 38-2021]

## [10]

Any features the Department considers inconsistent with the use of the structure exclusively as a boathouse are not permitted. Examples may include but not be limited to patio doors, fireplaces, decks, and living quarters.

## [11]

Per § 59.692(10), Wis. Stats., the roof of an existing boathouse may be used as a deck, provided that the boathouse has a flat roof, has no side walls or screened walls, and has a railing that meets Department of Safety and Professional Services standards.

## [12]

No boathouse wall, door, or access opening shall be more than 1/3 transparent or translucent.

[Amended 12-21-2021 by Ord. No. 38-2021]

#### [13]

Boathouse roof overhangs shall not project more than 24 inches out from the boathouse side wall.

#### (b)

Open-sided and screened structures, such as gazebos, decks, patios, and screen houses in the shoreland setback area that satisfy the following requirements in § 59.692(1v), Wis. Stats.

#### [1]

The part of the structure that is nearest to the water is located at least 35 feet landward from the ordinary high-water mark.

# [2]

The floor area of all the structures in the shoreland setback area will not exceed 200 square feet. In calculating this square footage, boathouses shall be excluded.

#### [3]

The structure that is the subject of the request for special zoning permission has no sides or has open or screened sides.

# <u>[4]</u>

The County must approve a plan that will be implemented by the owner of the property to preserve or establish a vegetative buffer zone that covers at least 70% of the half of the shoreland setback area that is nearest to the water. Note: The statutory requirements under § 59.692(1v), Wis. Stats., which require the establishment of a vegetative buffer for the construction of open-sided structures are not superseded by § 59.692(1f)(a).

# [a]

Note: Where reference is made to a shoreland vegetative buffer zone, the buffer shall be designed in accordance with NRCS Interim Standard No. 643A and NRCS Wisconsin Biology Technical Note 1: Shoreland Habitat. In cases where these standards provide options, the Land Use Planning and Zoning Department shall make the determination which option is most appropriate in the design and execution of the project.

[Added 2-15-2022 by Ord. No. 1-2022]

# [5]

<sup>11</sup>An enforceable obligation shall be evidenced by an instrument recorded with the Register of Deeds prior to the issuance of a land use permit. This instrument shall include an implementation schedule and enforceable obligation on the property owner to establish and maintain the shoreland vegetative buffer zone. [Amended 12-21-2021 by Ord. No. 38-2021]

#### [1]

Editor's Note: Former Subsection A(1)(b)[5] was repealed 12-21-2021 by Ord. No. 38-2021. This ordinance also renumbered former Subsection A(1)(b)[6] as Subsection A(1)(b)[5].

#### (c)

Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in diameter and satellite earth station antennas that are two meters or less in diameter.

#### (d)

Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pump house covers, private on-site wastewater treatment systems that comply with Ch. SPS 383, and other utility structures that have no feasible alternative location outside of the minimum setback and that employ best management practices to infiltrate or otherwise control stormwater runoff from the structure.

# <u>(e)</u>

One walkway, stairway or rail system is allowed per lot or parcel. Walkways, stairways or rail systems are exempt from § <u>338-41F</u> through <u>H</u> of this chapter. A walkway, stairway or rail system shall be permitted, provided: [Amended 12-21-2021 by Ord. No. 38-2021]

# [1]

The structure shall be located within the access and viewing corridor and designed so as to minimize earth disturbing activities and shoreline vegetation removal.

# [2]

The structure shall not exceed a maximum of 60 inches in width, including railings, and shall not branch out within the shoreland setback. Landings, as part of the shoreline access system, shall be limited to a maximum of 40 square feet and no more than 60 inches wide.

# [3]

Railings are permitted only where required by safety concerns, state statutes, or state regulations.

#### [4]

Canopies and/or roofs on such structures are prohibited.

#### [5]

A stairway shall be supported on piles or footings rather than being excavated from erodible soils, steep slopes, or similar conditions of concern.

#### [6]

A walkway and associated stairs, excavated from underlying soils, is allowed on slopes no greater than 25% to provide pedestrian access to the shoreline.

#### [7]

Standards for removal of shoreline vegetation shall be complied with, per Article **VII**.

#### [8]

In cases of steep slopes, a rail system (i.e., tram or lift) in addition to a stairway, shall be permitted as long as the rail system is mounted to or immediately adjacent to the existing stairway and can be located entirely within the access and viewing corridor per § 338-37B.

# <u>(f)</u>

Devices or systems used to treat runoff from impervious surfaces.

# <u>(2)</u>

Existing Exempt Structures. Per § 59.692(1k)(a)2m, Wis. Stats., existing exempt structure may be maintained, repaired, replaced, restored, rebuilt, and remodeled provided the activity does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure. The expansion of a structure beyond the existing footprint may be permitted if the expansion is necessary to comply with applicable state and federal requirements. Note: Section 59.692(1k)(a)2m, Wis. Stats., prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the activities specified in § 338-32A(2). However, it is important to note that property owners may be required to obtain permits or approvals and counties may impose fees under ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, or even stormwater erosion control.

# B.

Reduced principal structure setback (§ 59.692(1n), Wis. Stats.). A setback less than the seventy-five-foot required setback from the ordinary high-water mark shall be permitted for a proposed principal structure and shall be determined as follows:

#### **(1)**

Where there are existing principal structures in both directions, the setback shall equal the average of the distances the two existing principal structures are set back from the ordinary high-water mark, provided that all of the following are met:

#### <u>(a)</u>

Both of the existing principal structures are located on an adjacent lot to the proposed principal structure.

#### (b)

Both of the existing principal structures are located within 250 feet of the proposed principal structure and are the closest structure.

#### (c)

Both of the existing principal structures are located less than 75 feet from the ordinary high-water mark.

#### (d)

The average setback shall not be reduced to less than 35 feet from the ordinary high-water mark of any navigable water.

# <u>(e)</u>

Note: § 59.692(1d)(a), Wis. Stats., requires counties to adopt the standards consistent with § 338-32B(1) for reducing the shoreland setback.

# <u>(2)</u>

Functional appurtenances that are accessory structures, such as open porches or decks, that are attached to the proposed principal structure and proposed at time of permit application, must comply with the reduced principal structure setback but shall not be used in the calculation of the reduced principal structure setback.

[Added 11-12-2019 by Ord. No. 18-2019]

# <u>C.</u>

In addition to the shoreland setback standards in Subsections **A** and **B** above, buildings and structures shall comply with the following setback standards.

# <u>(1)</u>

Side yard: twelve-foot minimum for lots at least 85 feet wide.

# <u>(2)</u>

Side yard: ten-foot minimum for lots less than 85 feet wide.

#### (3)

Street yard: twenty-five-foot minimum.

# <u>(4)</u>

Rear yard: None. In the case of corner lots, the rear yard shall be the opposite the shorter of the two street frontages.

[Added 12-21-2021 by Ord. No. 38-2021<sup>12</sup>]

#### [2]

Editor's Note: This ordinance also redesignated former Subsection C(4) as Subsection C(5).

# <u>(5)</u>

Walkways no more than 36 inches wide and driveways shall be exempt from § 338-32C(1) through (3). This does not exempt these structures from § 338-32A, or other standards of this chapter.

[Added 11-12-2019 by Ord. No. 18-2019]

# <u>D.</u>

In addition to the shoreland setback standard in Subsections  $\underline{\mathbf{A}}$  and  $\underline{\mathbf{B}}$  above, fences shall comply with the following:

# <u>(1)</u>

All fences, no greater than eight feet in height, may be allowed along any lot line excluding the street right-of-way line and the side lot lines within the street-yard setback.

# <u>(2)</u>

Open style fences (greater than 50% open space), no greater than four feet in height, may be allowed along the street right-of-way line and alongside lot lines within the street-yard setback.

# <u>(3)</u>

Open style agricultural fences, no greater than eight feet in height, are allowed without a land use permit.

[Added 12-21-2021 by Ord. No. 38-2021]

# E.

In addition to the shoreland setback standard in Subsections  $\underline{\mathbf{A}}$  and  $\underline{\mathbf{B}}$  above, retaining walls shall comply with the following:

# (1)

Retaining and decorative/landscape walls may be allowed in the street-yard, side-yard and rear-yard with a minimum zero setback.

#### **(2)**

Retaining walls, greater than six feet in height, shall be designed by a professional engineer. Stamped engineered plans shall be submitted to the Land Use Planning and Zoning Department as part of the land use permit application.

[Added 12-21-2021 by Ord. No. 38-2021]

#### <u>F.</u>

In addition to the shoreland setback standard in Subsection  $\underline{\mathbf{A}}$  and  $\underline{\mathbf{B}}$  above, roof overhangs may project no more than 12 inches into a required side and/or street setback. No projections are allowed into the setback as required in Subsection  $\mathbf{A}$ .

[Added 11-12-2019 by Ord. No. 18-2019]

#### Exhibit 12

# § 338-54 Discontinued nonconforming use.

If a nonconforming use is discontinued for a period of 12 months, any future use of the building, structure, or property shall conform to this chapter.

# § 338-55Maintenance, repair, replacement, or vertical expansion of nonconforming structures.

#### <u>A.</u>

An existing structure that was lawfully placed when constructed but does not comply with the required setbacks, per §§ 338-32 and 338-33, may be maintained, repaired, replaced, restored, rebuilt, or remodeled if the activity does not expand the footprint of the nonconforming structure. Further, an existing structure that was lawfully placed when constructed but does not comply with the required shoreland setback, may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level, as provided in § 338-52B. Expansion of a structure may be allowed beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

#### B.

Note:

# <u>(1)</u>

Section 59.692(1k)(a)1.b. and d., Wis. Stats., prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the activities specified in § <u>338-55</u>. However, it is important to note that property owners may be required to obtain permits or approvals and counties may impose fees under ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, or even stormwater erosion control.

[Amended 11-12-2019 by Ord. No. 18-2019]

# (2)

Section NR 115.05(1)(b)1m, Wis. Adm. Code, lists structures that are exempt from the shoreland setback. These structures are considered conforming structures and are not considered nonconforming structures. Structures that were granted variances or illegally constructed structures are not considered nonconforming structures.

# § 338-56Lateral expansion of nonconforming principal structure within the setback.

An existing principal structure that was lawfully placed when constructed but does not comply with the required building setback per §§ 338-32A and 338-33 may expand laterally, provided that all of the following requirements are met: A.

The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.

#### B.

The existing principal structure is at least 35 feet from the ordinary high-water mark.

#### C.

Lateral expansions are limited to a maximum of 200 square feet over the life of the structure. No portion of the expansion may be any closer to the ordinary high-water mark than the closest point of the existing principal structure.

#### <u>D.</u>

The Land Use Planning and Zoning Department shall issue a permit that requires a mitigation plan that shall be approved by the Land Use Planning and Zoning Department and implemented by the property owner by the date specified in the land use permit. The mitigation plan shall meet the standards found in Article XII.

# <u>E.</u>

All other provisions of this chapter shall be met.

# § 338-57 Expansion of a nonconforming principal structure beyond setback.

[Amended 11-12-2019 by Ord. No. 18-2019]

An existing principal structure that was lawfully placed when constructed but does not comply with the required building setback under §§ 338-32 and 338-33, may be expanded landward of the shoreland setback area horizontally or vertically, provided that the expanded area meets the building setback requirements per § 338-32 or 338-33 and that all other provisions of this chapter are met. A mitigation plan is not required solely for expansion under this section, but may be required per Article IX.

§ 338-58Relocation of nonconforming principal structure.

An existing principal structure that was lawfully placed when constructed but does not comply with the required building setback per §§ <u>338-32A</u> and <u>338-33A</u>, may be relocated on the property provided all of the following requirements are met:

#### Α.

The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.

#### B.

The existing principal structure is at least 35 feet from the ordinary high-water mark.

# C.

No portion of the relocated structure is located any closer to the ordinary highwater mark than the closest point of the existing principal structure.

#### D.

The Land Use Planning and Zoning Department determines that no other location is available on the property to build a principal structure of a comparable size to the structure proposed for relocation that will result in compliance with the shoreland setback requirement per § 338-32A.

#### <u>E.</u>

The Land Use Planning and Zoning Department shall issue a permit that requires a mitigation plan that shall be approved by the Land Use Planning and Zoning Department and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in Article XII and include enforceable obligations of the property owner to establish or maintain measures that the Land Use Planning and Zoning Department determines are adequate to offset the impacts of the permitted expansion on water quality, near-shore aquatic habitat, upland wildlife habitat, and natural scenic beauty. The mitigation measures shall be proportional to the amount and impacts of the replaced or relocated structure being permitted. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the County Register of Deeds.

# <u>F.</u>

All other provisions of this chapter shall be met.

# § 338-59Maintenance, repair, replacement or vertical expansion of structures authorized by variance.

#### A.

A structure of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 13, 2015, may be maintained, repaired, replaced, restored, rebuilt, or remodeled if the activity does not expand the footprint of the authorized structure. Additionally, the structure may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

[Amended 11-12-2019 by Ord. No. 18-2019]

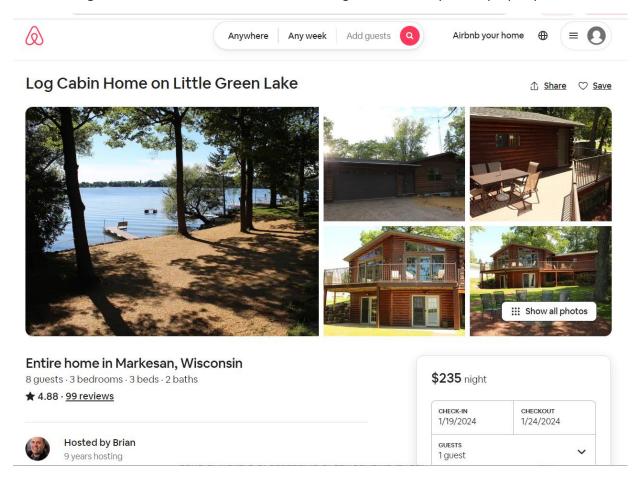
#### B.

Note: § 59.692(1k)(a)2, Wis. Stats., prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the activities specified in § 338-59. However, it is important to note that property owners may be required to obtain permits or approvals and counties may impose fees under ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, or even stormwater erosion control.

#### **Exhibit 13** – Neighboring properties used as short term rentals.

Owned by the Wroblewski's. Airbnb and Vrbo listings 1/22/24 - N2821 Park Road, Markesan, WI 53946

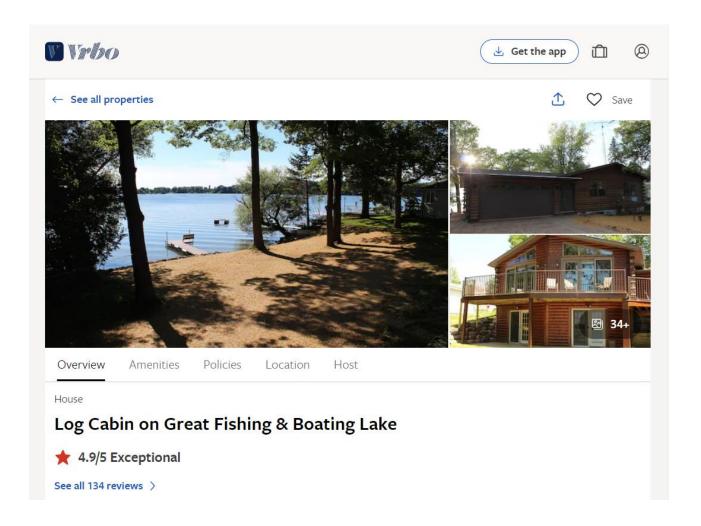
Airbnb listing – licensed as a short term rental and using R1 residentially zoned property for commercial use.





★★★★ · June 2022 · Stayed with kids

Great Place! Our 3rd time and we love it. Beautiful views. Nice lake. My husband caught a 40" Muskie. The place had more new updates. It's so fresh and clean with plenty of fresh linens. Our family looks forward to it every year. Well worth it. Brian is very accommodating. Even reached out before a storm to let us know he's available if we need anything. That was reassuring. Restaurant/bar and park/beach just a few steps away adds a nice addition to our vacation.



#### X Guest reviews

#### 5/5 Excellent

#### Peter K.

Jul 9, 2023

(2) Liked: Cleanliness, check-in, communication, location, listing accuracy

#### Nice layout right on the water

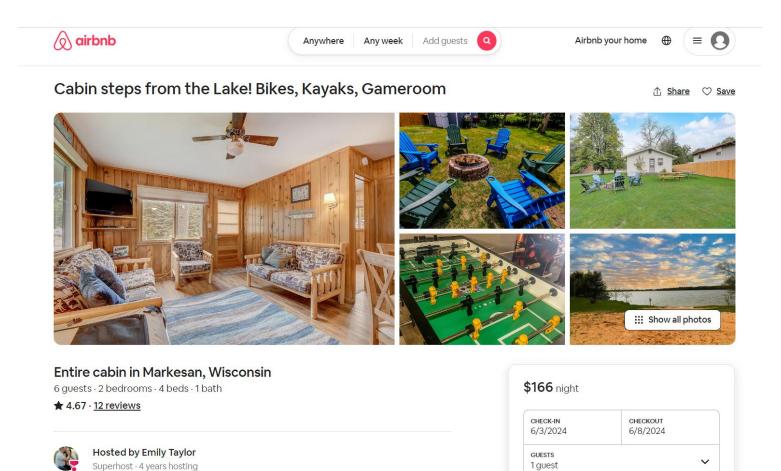
Little Green is a perfect size for a nice day on the water and Brian's home is a great setup. Beautiful view, fire pit right on the water and right next the Little Green food truck. Enjoyed the Friday fish fry there. Home is well stocked with near everything you need and we were out on the deck the whole time.

Stayed 3 nights in Jul 2023

6 0

#### N2804 Park Road, Markesan, WI 53946

Licensed as Short Term Rental



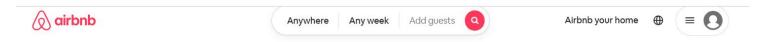


 $\bigstar \bigstar \bigstar \bigstar \star \star \cdot$  July 2023 · Stayed with a pet

Emily's cabin was an enjoyable stay. It is a nice little cabin to enjoy a vacation with a nice area to enjoy the fire pit. The Terrace, the tiki bar that just recently opened was our favorite part of our stay. It's a fun hang out location for the area with good food and tables games to enjoy as well.

#### N2822 Park Road, Markesan, WI 53946

Licensed as Short Term Rental



#### Half Moon Cabin | Steps from Little Green Lake!

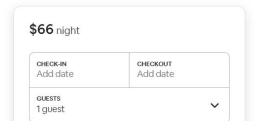


#### Entire cabin in Markesan, Wisconsin

5 guests · 2 bedrooms · 2 beds · 1 bath

★ 4.79 · 14 reviews





↑ Share ♥ Save



Tyra
Des Plaines, Illinois

★★★★ · July 2023 · Stayed with kids

What a gem! The cottage is tastefully decorated and has so many thoughtful extras. The kitchen was fully stocked with everything needed to cook every meal including many spices! This little space literally had it all games, toys, wifi, kayaks, yard games, fishing poles, tackle, grill, fire pit, not to mention not having to pack a kennel, doggy bowls, bed and toys for my fur baby was one less stress on me, we noticed tons of baby supplies too! Emily was helpful even prior to booking when I had a ton of questions she answered every single one she even warned me the cottage is small and since I was bringing my family of 6, (3 teens, husband and our doggy) we might be a little crammed it was small but it worked! We spent majority of our time outside and rented a pontoon boat for the day right there on the lake from Landing on Little Green Lake. Dinner at the Food Truck on the Terrace was delicious the owners of the food truck were so welcoming! We are already planning our next getaway!

#### Exhibit 15 – Photos inside shed

N2811 Park Road, Markesan, WI. Waterfront shed classified as "Shed" which is an accessory structure.

#### Photos taken on February 25, 2023 by Tony Goebel

Used for general storage including coolers, bins, restaurant cartons, metal bars, restaurant garbage bins, siding from the restaurant building, extra lumber, old windows from the restaurant building, and also some old boat motors. The building was not solely used for boat related items.





A B

VIA E-Mail (crystal.fieber@hopplaw.com)

Crystal Fieber, Esq. Green Lake County Board of Adjustments 571 County Road A Green Lake, WI 54941

RE: Response by owners of Little Green Lodge LLC for the Appeal to the Board of Adjustment by vonBriesen and Joseph & Brian Wroblewki (the "Appellants") with information to be included for review in the February 20, 2024 BOA hearing.

#### **LETTER TO THE BOARD OF ADJUSTMENTS:**

Dear Board of Adjustments:

We are representing ourselves in the matter of Joseph & Brian Wroblewski (the "Appellants"), owners of property located at N2821 Park Road, Markesan, WI 53946 against our recently approved Land Use Planning & Zoning approval of a conditional use permit bathroom building, walk-in cooler, storage shed, and tiki bar change of use for the address of N2811 Park Road, Markesan, WI 53946 with Tax Parcel ID No. 006-01385-0000 and 006-00614-0000 ("Subject Property").

The Applicant, Little Green Lodge LLC, asks for the Board of Adjustment of Green Lake County to approve the original approval from Green Lake County Land Use Planning & Zoning Board with no additional conditions added by the BOA.

Almost every major point the Appellants and their legal counsel pointed out in their appeal, are misinterpretations of the county and state zoning codes. I'm not attorney or a zoning expert. But what I can do is read the zoning laws in place applicable to this property. And I will go one by one pointing out the flaws in their argument, and why the Green Lake County Board of Adjustments can approve the existing CUP approval.

#### **BACKGROUND**

Our property at N2811 Park Road, Markesan, WI is zoned as C1-General Business District, which allows us to operate as a business for the permitted uses listed. In 2004, the old owners wanted to do more than the permitted uses after the previous building burned down, so they filed a Conditional Use application and were approved. Those Conditional uses under Chapter 350-32 were #1 a hotel or motel and #4 a restaurant, caterer, tavern. That application was approved so from there the foregoing uses of the property are and were a hotel, restaurant, and tavern. That

was also confirmed in our April 2023 Conditional Use permit application that we zoned as a hotel, restaurant, bar that can serve and host inside and outside. In that 2004 Conditional Use application was a site plan showing the now proposed tiki bar as a "shed". The Wroblewski's legal team keep trying to have it classified or calling it a fishing shed or a boathouse, but that is not what it was or is. Regardless of that point, either way that shed is a legal non-conforming structure. What that means is since it was originally built, regulations were added for where properties can be built or not built. One of those includes a side yard set back from neighbors of 12 feet from the lot line, or 25 feet from the road, or under Green Lake County Shoreland Zoning Chapter 338-32, 75 feet from the ordinary high water mark of a navigable waterway, also known as, Little Green Lake. Also, the building was a shed, and based on zoning codes the shed can be replaced with a new shed. Being a C1 commercially zoned property this shed is classified as an accessory structure and accessory use to the primary use. So we are able to use it in conjunction with our primary use of a hotel, restaurant, and tavern.

#### **REBUTTALS TO ARGUMENTS:**

Here are points their attorneys will try to make that we have rebuttals to:

1. There is no additional harm to surrounding lands or neighbors than the current approved use and replacement of the existing nonconforming, accessory structure.

Under Green Lake County Zoning Chapter 350-56 B. Paragraphs, 2A and 2C requires there what we are doing does not have a negative effect upon the health, safety, and general welfare of occupants or surrounding lands or will not be hazardous or disturbing to existing or future neighboring uses.

- A. The property has operated as a bar for many years and as a hotel, restaurant, tavern even prior to the 2004 Conditional Use Approval. **Exhibit 1** Site Map shows all the neighboring properties. It is surrounded and bordered by a C2 zoned commercial parking lot, three R1 residentially zoned properties that all are licensed as Short Term Rentals with the Green Lake County Health Department. One of which is owned by the Appellants, the Wroblewski's and two by Little Green Lodge LLC, then a R3 zoned campground and a public park owned by the City of Markesan. There is not a better spot on the lake to continue the C1 zoning.
- B. Every neighbor touching our commercially zoned property, bought their property knowing that this one was already zoned C1 as a hotel, restaurant, and tavern. The three properties that boarder the Subject Property that we don't own include The Wrobleski's who contested this CUP, they bought theirs in 2015. The Randalls who contested this and own the other restaurant on the lake, bought their home in 2018. The Muenchow's, who contested this and own another bar/restaurant in Markesan, bought their home in 2010. And since 2004, before any of them purchased, this property was operating as a hotel, restaurant, and tavern, and has always been a C1 zoned property, so what additional harm could be caused when the use requested is the same use as prior, and that is already approved for the property.

C. Reviewing Exhibit 13 (neighboring properties used as short term rentals) you can see Airbnb and Vrbo listings for the Wroblewski's property at N2821 Park Road, Markesan WI 53946. They will attempt to say this is their home or their cottage when they go to speak, saying this will impact them enjoying their home, asking you if you would want a tiki bar in your backyard, but it is a fact that they are licensed as a short term rental and using a R1 residentially zoned property for commercial uses. There is nothing against regulations saying they can't, nor are we trying to argue against them using their property for that use, but their property is used as a vacation rental. In fact, they have more reviews on listing sites than any property on Little Green Lake. The reviews from their Airbnb and Vrbo guests confirm that it is beneficial to have our restaurant and tiki bar nearby. The Wroblewski's have hosted on Airbnb for many years and have 99 Airbnb reviews on their rental. Germaine from Appleton, Wisconsin said the "restaurant/bar and park/beach just a few steps away adds a nice addition to our vacation". The Wroblewski's also have 135 reviews on Vrbo and a review from Peter K in July of 2023 said "Beautiful view, fire pit right on the water and right next the Little Green food truck. Enjoyed Friday fish fry there." That doesn't sound like a harm to public health or neighboring properties to me.

A review from N2804 Park Road Markesan, WI another property located next door, from Takoda said "The Terrace, the tiki bar that just recently opened was our favorite part of our stay." A review from N2822 Park Road, Markesan, WI said "Dinner at the Food Truck on the Terrace was delicious, the owners of the food truck were so welcoming! We are already planning our next getaway!"

This appeal, and potential further appeals. All it is doing is shutting this restaurant down and hurting local businesses and the locals from enjoying this now beautiful, waterfront property.

- D. The bathroom building and walk in cooler are in a location that previously, many years ago, had a building that was torn down. The tiki bar is in a location that a previous legal nonconforming structure was and accessory use was located. There is no additional harm to any neighbor that wasn't already there before.
- E. The proposed tiki bar will be there as a building whether the use is changed or not to a tiki bar. We are permitted being a C1 zoned property and authorized from our prior Green Lake County Conditional Use approval in April 2023 to serve food, alcohol, or host events outside of our property. So whether this tiki bar is there or not we are able to have people eat, drink, and host events on every square inch of our C1 commercially zoned property. So I don't know what they will even get if they win this appeal. They have every right to set a chair 6 inches from the lot line, watch the sunset, and drink a beer. Just like we do on our property whether it's a beer I drink or from one of our guests.

2. The Appellants keep referring to the proposed tiki bar as a Boathouse when in fact it is an accessory structure and an Existing Exempt Structure under Green Lake County Shoreland Zoning Chapter 338-32.

In the Wrobelwski's appeal their attorneys made an argument that the change in use from a fishing shed to a tiki bar within 75' of the ordinary high watermark is not allowed, and they cited Green Lake County Ordinance Chapter 338-14. They were correct in many things they cited but they failed to mention the most critical pieces in the zoning codes, plus in the Wisconsin State Legislature under Subchapter 7 chapter 59.69.

Under Green Lake County Shoreland Zoning Ordinance Chapter 338-32(A) they listed exemptions for, and I am summarizing (1) boathouses (2) open-sided screened structures, such as gazebos, (3) broadcast signal receivers, (4) utility lines, (5) walkways, and (6) devices or systems for runoff. That section says that any of those types of structures or buildings can still be built within the 75' setback even today and that they are the only **NEW** exempt structures that can be built. But what the Appellants and their attorneys failed to mention was under Green Lake County Ordinance 338-32(A) paragraph 2, is about **Existing Exempt Structures**. Which clearly states that Per Chapter 59.692(1k)(a)2m, Wis. Stats., existing exempt structure may be maintained, repaired, replaced, restored, rebuilt, and remodeled provided the activity does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure. If you read under Chapter 350-14 B (5), It also says that, Per Chapter 59.69 (10e)(a) and (b), Wis. Stats., a nonconforming dwelling or nonconforming building, or part therof, shall be permitted to be rebuilt so as long as the three-dimensional building envelope is not increase. If you read in Green Lake County Shoreland Zoning Chapter 338-55 under Maintenance, repair, replacement, or vertical expansion of nonconforming structures it specifically addresses under Paragraph A that an existing structure that was lawfully placed when constructed but does not comply with the required setbacks per Chapter 338-32 and 338-33, may be maintained, repaired, replaced, restored, rebuilt, or remodeled if the activity does not expand the footprint of the non conforming structure. That's a lot of words. But bottom line it is clear that based on all of Green Lake County Zoning codes and Wisconsin State Statues a nonconforming structure, and existing exempt structure, can be replaced with a new one that is beyond just a boathouse, even in the 75' set back form the ordinary high water mark.

That is why we FIRST before we even had the thought about wanting to change the use of the legal nonconforming building, which is the shed, we wanted to replace it. The previous building was in shambles and I wanted to address that area, clean it up, and get a new shed on the property. I didn't want to go another year having it look like it did. So on April 17<sup>th</sup>, 2023, Noah Brown a land use specialist from Green Lake County did a site inspection with me. He took photos of the exiting shed, and with a tape measure took exact measurements of the shed and

deck. I found a shed that could be delivered that fit the measurements and bought it. Because even though the structure was a legal non-conforming structure, which means it was too close to the water and the side yard, based on the County Shoreland Zoning code, we were able to replace this building. We submitted diagrams, exact photos, and measurements of the new shed to Noah Brown and on April 20, 2023 a LUP (Land Use Permit) was issued to replace the existing shed with a new shed. You have a copy of his notes, photos, and issued Land Use Permit showing the exact shed we were replacing the old shed, or what we really should be calling it, accessory structure.

We confirmed with Green Lake County zoning that they had jurisdiction and the WDNR did not have any jurisdiction over the replacement of a nonconforming structure. That was confirmed by Dale Rezabek, Shoreland Specialist from the Wisconsin DNR Waterways Program. Mr. Rezabek confirmed as well in an email **Exhibit 5** that "...shoreland zoning and comprehensive zoning are administered by the county. The department providers technical assistance to the county for shoreland zoning. The CUP was under comprehensive zoning." So their counsel inaccurately referenced not getting "permits" under Shoreland Wetland District Chapter 338-18.

We took it a step further and also verified with Trace Strahle a Regulatory Specialist with the US Army Corps of Engineers that "no work in your project will be done in a WOUS (Little Green Lake): therefore you do not need a permit from the US Army Corps of Engineers" So the WDNR and US Army Corps of Engineers had nothing to do with the replacement of the existing shed and we could replace the existing shed with a new shed. And we also didn't need to go to the Green Lake Conditional use committee to replace the existing. Which we had every right to do.

If you looked at the original Green Lake County CUP approval from 2004 from the previous owners Vande Lake & Land, LLC which is referenced under **Exhibit 2, page 9**. It shows a Site Plan where the building in question is clearly marked as a **SHED**. Not a boathouse. A shed on a C1 zoned property is considered an accessory structure and an accessory structure on a C1 property allows it to be used by the primary use of the approved zoning.

If you then looked at Chapter 338-78 under Definitions of what is an accessory structure is, it defines an accessory structure as:

A subordinate structure on the same property as the principal structure which is devoted to a use incidental to the principal use of the property. Accessory structures include, but are not limited to, detached garages, sheds, barns, gazebos, patios, decks, swimming pools, hot tubs, fences, retaining walls, driveways, parking lots, sidewalks, detached stairways, and lifts.

Two key things in this definition of what is an accessory structure. Is that it is incidental to the principal use of the property. The principal use of the property is a hotel, restaurant, and tavern. That is a fact. We are zoned C1 and have a conditional use permit from 2004 and 2023 to operate as a hotel, restaurant, and tavern, inside and outside the property. So a shed can be used by the hotel, restaurant, and tavern as an accessory structure, beyond the use of a boathouse. And it was for many years even prior to us purchasing the property. Second, is that accessory structures

include, <u>but are not limited to</u> those additional types of structures. That is a big additional inclusion to the definition of what an accessory structure is in Green Lake County Shoreland Zoning; the "but are not limited to". There are zoning approvals all over the country classifying that tiki bars, outdoor dining, and outdoor bars are accessory uses to the primary use. Which once again, the property's primary use and zoning approval is a hotel, restaurant, and tavern. <u>So for the CUP committee or this BOA, changing the use of an existing exempt structure to a one that is "devoted to a use incidental to the principal use of the property" sounds exactly like what a summer tiki bar is to a hotel and restaurant. So I could even argue that I didn't even need to come to the CUP committee at all to use a shed as an accessory structure to my primary use which is a hotel, restaurant, and tavern. But we still went through the process to formally get the conditional use approval. This also is clear as day, that the Green Lake County Zoning allows for an accessory structure to be a tiki bar, if the committee allows for it. Same with a bathroom building or walk-in cooler.</u>

3. The Appellants keep referring to the proposed tiki bar as a legal non-conforming use. It's not a non-conforming use. The Existing Nonconforming structure is actually an accessory use to the forgoing use under Chapter 350-32 Zoning laws. With the foregoing and primary use being a hotel, restaurant, and tavern in the C1-General Commercial District.

Once we had our Land Use Permit and delivered our shed we then decided we wanted to formally get CUP approval to have that shed be formally considered a tiki bar. We worked with Noah Brown and Matt Kirkman at the Green Lake County Zoning Department that what we were requesting was something that could be approved and filed for another CUP approval. Which those CUP meetings happened in August and September of 2023, and we were ultimately approved for the change of use from the shed to tiki bar and the walk-in cooler and bathroom building. All of which are accessory structures to the primary use of the property.

This is where the Appellant and the Wroblewski's are extremely flawed and misinterpreting the correlation between the different zoning codes. They are confusing a legal non-conforming **structure** with a legal non-conforming **use**. They are also arguing in one argument where only a boathouse is an exempt structure but in another a fishing shed is a non-conforming use. It makes no sense. They are citing case laws of Lessard vs Burnett County that "nonconforming uses are closely limited and are not to be enlarged". But the use we are looking to add or change, is the same use that is already approved, and one that is already an accepted conditional use, which again is a hotel, restaurant, and tavern. Plus the shed, whether it is changed to a tiki bar or stays as a shed, is NOT a non-conforming use. If you were to read under Green Lake County Zoning Chapter 350-32 showing C-1 General Commercial district what the permitted and Conditional uses are, you will see all the permitted uses include (1) a gift shop, (2) boat livery, (3) drugstore, (4) ice cream shop, (5) food and drug establishment or grocery store. (6), Such accessory uses

# as are customary in connection with the foregoing uses and are incidental thereto. That is a <u>PERMITTED USE</u>.

Under Chapter 350-77 Word usage and definitions the definition of an accessory use is "a subordinate use, which is incidental to and customarily in connection with the principal structure or use, and which is located on the same property with such principal structure or use." Once again, zoning departments, committees, counties, and municipalities all over the country classify tiki bars, outdoor dining, outdoor bars as accessory uses to the primary uses of a hotel, restaurant, and tavern. And we have conditional use approval for the property to be a hotel, restaurant, and tavern. Sounds very much like a tiki bar, on a property that has the principal structure used as a hotel, restaurant, or tavern is actually a permitted use under the current C1 zoning laws.

Furthermore, the existing principal structure on this property is also only 65 feet from the water. Many restaurants and commercially zoned properties across the state are located within that 75 foot set back. So basically their legal team in their appeal said that a conditional use committee can not change the use from one business type to another of any non conforming structure? That literally makes no sense. That is why there are permitted and conditional uses written into zoning laws, so businesses know what they can and can't be allowed to operate on that property. The 75 foot set back from the ordinary high water mark has nothing to do with the Green Lake County Zoning Committee's ability to change a use of a structure to a permitted use. Which this shed, and now a tiki bar, is an accessory structure, which is a permitted use under the current zoning.

# 4. Their other argument about an outdoor bathroom and cooler not being listed as an approved permitted or conditional use is completely inaccurate of zoning laws.

The purpose of a C1- General Business District property is to operate a business and counties will list Permitted uses and Conditional uses that could be approved. The Appellants in their appeal did list the potential conditional uses and stated "the conditional use ordinance does not authorize outdoor bathrooms or walk-in coolers". I don't know about you but I have never gone to a business and their sole purpose in business was to charge people to go to the bathroom. What is it, \$1 for number 1 and \$2 for a number 2? That's why in order to operate a business, there are certain accessory structures that are needed to operate your business. A bathroom is one of them. A walk-in cooler is another. In fact, a tiki bar or outdoor bar for hotels and restaurants is an accessory structure to the primary use as well. A walk-in cooler is also just a shed, which is an approved accessory structure. That's all it is. With the ability to have cooling mechanisms inside it. So once again the definition of an accessory use under Chapter 350-77 word usage and definitions, an accessory structure is "a subordinate structure, detached from the principal structure, the use of which is incidental to, and customarily found in connection with, the principal structure or use of the property. If we are going to expand the capacity of the property with outdoor facilities, then we need to have additional restrooms and they are in connection with the principal structure or use of the property. And once again under Green Lake County Zoning Chapter 350-32 showing C-1 General Commercial district (6) Such accessory uses as

are customary in connection with the foregoing uses and are incidental thereto. So both the bathroom building and walk-in cooler, also known as a shed, are permitted uses and permitted structures.

5. They also are going to try and say that under Green Lake County Ordinance Chapter 338-54 which states that "if a legal conforming use is discontinued for a period of 12 months, any future use of the building, structure, property shall conform to this chapter." As part of this, I think they are trying to say we did something wrong by using the shed as a tiki bar prior to approval therefore we can't be approved or it's use was discontinued.

This building was a shed, a shed is an accessory structure, and an accessory structure can be used in conjunction with the primary use of the principal structure on a property, which is a hotel, restaurant, and tavern. Under Chapter 350-14 they are confusing paragraph A (which is nonconforming uses) and paragraph B (which is nonconforming structures). Under B we proved we could replace the building with a new building. For paragraph A, we also proved that this shed is not a nonconforming use. It is actually an accessory use to the primary use, which is a hotel, restaurant, and tavern. So we are able to store beyond just boat related items in this shed. When we bought the property there were coolers, restaurant bins, metal pipes, siding from the restaurant building, windows, and restaurant garbages in that shed, beyond just boat related items. See **Exhibit 15 – photos inside shed.** It was clearly used by the old restaurant owner as overflow storage from the restaurant and tavern. After we replaced the shed with the new shed, we stored alcohol, cash registers, posters, garbages, and since we rent out boat slips and are on the water, fishing poles, and life jackets. They will probably try to show photos of the proposed tiki bar with chairs around it and the windows down, saying we used this as a tiki bar.

We have done everything possible the right way, asking every department multiple times prior to doing something because we knew how many eyes were on us. We have every permit needed, know the rules, and listened to the direction from the Green Lake County zoning employees. Every single thing we did with this portable bar, portable cooler, and tiki bar, we verified with Noah Brown before doing it. Plus we already had CUP approval from April 2023 to host events and serve food and alcohol inside or outside the property. We don't need CUP approval to set up a portable table to serve outside, and in fact the old restaurant hosted events outside in the summer many times, so do restaurants across this entire state.

- 1. However, **Exhibit 3** shows the photos of our opening night on June 23, 2023. We had a portable bar and portable kegerator cooler next to the accessory structure. Let me ask you this. If we were going to use the tiki bar prior to having CUP approval, why would we need to even set up a portable bar and portable kegerator cooler? We would have just had bar coolers, kegerator coolers, & used the tiki bar.
- 2. Why would we spend 30 minutes every single time we opened to take out all the alcohol, cash register, garbages, coolers, only to spend 30 minutes every single night at closing to

- put it all back if we had any intention of using the proposed shed as a tiki bar prior to conditional use approval?
- 3. And on opening night you can see the windows shut with no chairs. It was like that the first 2 weeks we were open. Why is that? Because after 2 weeks, we decided to ask Noah Brown if we can open it and he said YES. He said we can't serve out of it but people can sit outside around it. And he said put a sign up saying it is a shed not a tiki bar. He even joked that if neighbors call him he will say, "well didn't you read their sign that it's a storage shed"? He retracted that he said after the appeal was brought forward that we could do that, but either way, we never once served out of the tiki bar. So why if our plan was to use this as a tiki bar wouldn't we have used it from the beginning, which was our busiest night of the year.
- 4. If this is even remotely an issue, I would point to **Exhibit 4**. These are boathouses on Little Green Lake. These are two R1 zoned properties that are licensed as short term rentals. These are actual boathouses that the tops were converted to party decks for drinking and sitting. I have no issue with people using their boathouses like this. But my point is, there are hundreds of properties with this exact situation in Green Lake County. On Little Green Lake, on Big Green Lake. Where boathouses are renovated to have party decks on top of them. Does the county call them up saying the use is changed? You will be setting a bad precedent if that is even remotely considered in this decision because I know the Appelant's legal team will try to sway your decision because they show photos of chairs around the shed, or it was put to use prior to approval. Which is completely untrue, and still shouldn't matter in the change of use for this structure.

#### So to recap my argument:

- 1. This is not harming the public since it is the same use as previously approved for decades.
- 2. A non-conforming structure can be replaced with a new one which we did with an issued land use permit.
- 3. This building is not a non conforming use. It is actually a permitted use. And the committee is able to have accessory structures in connection with the primary use of the property be extended beyond just a shed.
- 4. The building in question is an existing exempt structure and was verified on the 2004 CUP approval as a shed, which by definition is an accessory structure. And accessory structures can be used incidentally for the primary use of the property, which this property is a hotel, restaurant and tavern. That very much sounds exactly like what a summer tiki bar is for a hotel, restaurant, and tavern.
- 5. Use of the tiki bar was only used as storage until we were approved to do so. Plus what are the Appelants trying to accomplish with this appeal, because we still have conditional use approval to use the entire property as a hotel, restaurant, and tavern for events inside and outside the buildings.

#### **CONCLUSION:**

It is clear that the BOA can approve the existing conditional use permit as it related to the conversion of the storage shed into a tiki bar for the purposes of selling and drinking alcohol. The BOA can also approve the outdoor bathroom, walk-in cooler.

Thank you for your time today and hopefully this helps clear up the case that we should be allowed to keep the prior conditional use approval.

/Electronically signed by Anthony (Tony) Goebel

Anthony (Tony) Goebel Little Green Lodge LLC – Owner and Operator

Cc: Attorney Jeff Mann (via e-mail)
Matt E. Kirkman (via e-mail)
Attorney Kevin J. Clark (via-email)



**TAGLaw International Lawyers** 

Kevin J. Clark Direct Telephone 262-923-8664

February 6, 2024

#### VIA E-MAIL (Crystal.fieber@hopplaw.com)

Crystal Fieber, Esq. Green Lake County Board of Adjustments 571 County Road Green Lake, WI 54941

Re: Appeal to the Board of Adjustment

Subject Property: N2811 Park Road, Markesan, WI 53946

Decision Date: September 7, 2023

#### WITNESS LIST

Dear Board of Adjustments:

The appellants, Joe and Brian Wroblewski, may call on the following witnesses to testify at the February 20, 2024 Board of Adjustments hearing regarding the appeal related to the conditional use permit for property located at N2811 Park Road, Markesan, WI 53946 ("Subject Property"):

- 1. Jon Vandebrink, 111 South High Street, Markesan, WI 53946.
- 2. Joe and Brian Wroblewski, appellants.
- 3. Matt Kirkman, Green Lake County Land Use & Zoning Director.

Respectfully submitted.

von BRIESEN & ROPER, s.c.

/Electronically signed by Kevin J. Clark

Kevin J. Clark

KJC:bai

cc: Attorney Jeff Mann (via e-mail)
Matt E. Kirkman (via e-mail)
Tony Goebel (via e-mail)

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# GREEN LAKE COUNTY APPEAL APPLICATION

Provide the following information and any other detailed information related to the appeal.

| Date Received: 10-5-2023 msk |                               |  | Fee Received: 10-5-2023 MCK   |                  |                        |  |  |
|------------------------------|-------------------------------|--|---|------------------|------------------------|--|--|
|                              | wski & Brian J. Wrobler       |  | Attorney Kevin J. Clark on behalf of Joseph W. Wroblewski & Brian J. Wroblewski |                  |                        |  |  |
| Owner Name/                  | W. Wyn_<br>Wolled             | 10/2/23                                      | Applicant Name  Her J. Cark 10-3-23   |                  |                        |  |  |
| Owner Signatur               | e                             | Date   | Applicant Signat  |                  | Date                   |  |  |
| W335 N5495 Isla              | ind View Ln                   |  | 20975 Swenson Drive, Suite 400  |                  |                        |  |  |
| Mailing Addres               | S                             |  | Mailing Address   |                  |                        |  |  |
| Nashotah                     | WI                            | 53058  | Waukesha,   | WI               | 53186                  |  |  |
| City                         | State                         | Zip  | City  | State            | Zip                    |  |  |
| 414-89                       | 9-4100                        |  | 262-923-8664  |                  |                        |  |  |
| Home Phone                   |                               |  | Home Phone  | Home Phone Work/ |                        |  |  |
|                              | Site Addres                   | s N2811 Park Road, I                         | Markesan, WI 53946  |                  |                        |  |  |
|                              | Tax Parcel  <br>Tax Parcel  D | D # 006 -                                    | - 01384 - 000<br>00614 - 000  | 00               |                        |  |  |
|                              | SW 1/4. N                     | W ¼, Section                                 | 32, T   | N, R             | E                      |  |  |
| Lot                          |                               | <del></del>                                  | ion/Plat  |                  |                        |  |  |
| Lot                          | CSM#                          | .,   | own of Green Lake   |                  |                        |  |  |
| LEGAL DE                     |                               | ID VIEW PLAT LOT 1 C<br>3 IN SW1/4 NW1/4 SEC |   | AP 956 V4 & THAT | PARCEL AS DESC V415 P1 |  |  |

For the Board of Adjustment review of this appeal, include all attachments with this form, such as maps and position statement. The site plan shall provide all the data that completely shows the intent of the appellant. A position statement shall completely describe the appeal and those elements that support your position.

Green Lake County is an Equal Opportunity Employer



**TAGLaw International Lawyers** 

Kevin J. Clark
Direct Telephone
262-923-8664
kevin.clark@vonbriesen.com

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October 3, 2023

#### VIA E-MAIL AND FEDERAL EXPRESS

mkirkman@greenlakecountywi.gov

Land Use & Zoning Department c/o Matt Kirkman County Government Center 571 County Road A Green Lake, WI 54941



Re:

Appeal to the Board of Adjustment

Subject Property:

N2811 Park Road, Markesan, WI 53946

Decision Date:

September 7, 2023

#### Dear Board of Adjustments:

Our office represents Joseph & Brian Wroblewski (the "Appellants"), owners of property located at N2821 Park Road, Markesan, WI 53946. I write this letter in support of their appeal from the decision of Land Use Planning & Zoning Committed to approve a conditional use permit ("CUP") for a tiki bar located in the 75' foot setback from Little Green Lake, to construct a bathroom building 12' x 17' in size, to construct a walk-in cooler building 8' x 12' in size, and storage shed 10' x 20' in size on adjacent property containing the address N2811 Park Road, Markesan, WI 53946, with Tax Parcel ID No. 006-01385-0000 and 006-00614-0000 ("Subject Property").

For purposes of appeal, the Appellants are focusing on the use change from storage shed to tiki bar, the 12' x 17' bathroom building, and 10' x 20' foot walk-in cooler. Attached hereto as Exhibit A is a true and correct copy of the application submitted to the Land Use Planning & Zoning Committee for the August 3, 2023 & September 7, 2023 meetings.

# I. The Change in Use From a Fishing Shed to Tiki Bar Within 75' Set Back.

The Applicant is seeking to change the use of a fishing shed located within the 75' set back to a tiki bar with stamped concrete surrounding it. See Exhibit A, pg. 8.

Green Lake County Shoreland Zoning Ordinance § 338-32(A) provides that building setbacks are 75 feet from the ordinary highwater mark. Section 338-2(A) states "unless exempt under § 338-2A(1), or reduced under § 338-32B, a setback of 75 feet from the ordinary high-water mark of any-navigable waters to the nearest part of a building or structure shall be required for all buildings and structures." The exemptions listed are for: (1) boathouses; (2) open-sided screened

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vonbriesen.com

Land Use & Zoning Department c/o Matt Kirkman October 3, 2023 Page 2

structures, such as gazebos; (3) broadcast signal receivers such as satellite dishes or antennas; (4) utility transmission lines, poles, and towers; (5) walkway, stairway or rail systems; and (6) devices or systems used to treat runoff from impervious surfaces.

The fishing shed that was constructed in the 75-foot setback prior to the shoreland ordinance makes its use a **legal non-conforming structure** and **legal non-conforming use**. Attached hereto as Exhibit B are pictures obtained from the County's file regarding Permit No. 13375.

With respect to legal non-conforming uses, the zoning ordinances are designed to restrict non-conforming uses and to eventually eliminate them, not expand or extend them. Green Lake County Ordinance § 350-14A(1) explains that the existing lawful use of a structure or premises on the effective date of this chapter may be continued although such does not conform to the provision of this chapter for the district in which it is located, but such nonconforming use shall not be extended. Here, the legal non-conforming use was a fishing shed. The Applicant is pursuing to expand and extend the non-conforming use from a fishing shed to tiki bar for the purpose of serving alcohol. It is well-settled law that "nonconforming uses are closely limited and are not to be enlarged in derogation of the general scheme of the ordinance." Lessard v. Burnett Cnty. Bd. of Adjustment, 2002 WI App 186, ¶ 16, 256 Wis. 2d 821, 831, 649 N.W.2d 728, 732 (citing to Waukesha County v. Pewaukee Marina, Inc., 187 Wis.2d 18, 24, 522 N.W.2d 536 (Ct. App. 1994).

It is further worth noting that the Green Lake County Ordinance § 338-54 states that "if a legal nonconforming use is discontinued for a period of 12 months, any future use of the building, structure, property shall conform to this chapter." Essentially, this ordinance states that if the nonconforming use is not used for more than 12 months, then it may no longer be used for such nonconforming use/ Here, the storage shed was not used at all for a period of more than 12 consecutive months, which further renders the legal nonconforming use as void.

From a use standpoint in general, a tiki bar is not an authorized structure in the 75-foot shoreland set back. Indeed, as noted above, the only structures which are permitted in the 75-foot setback are: (1) boathouses; (2) open-sided screened structures, such as gazebos; (3) broadcast signal receivers such as satellite dishes or antennas; (4) utility transmission lines, poles, and towers; (5) walkway, stairway or rail systems; and (6) devices or systems used to treat runoff from impervious surfaces; a tiki bar does not fall within any of those categories. The only uses the Shoreland Zoning Ordinance "permits" are identified in the Shoreland-Wetland District under § 338-18, which includes uses such as: hiking, fishing, trapping, hunting, swimming, and boating, harvesting wild crops, pasturing livestock, cultivation of agricultural crops, and construction of hunting blinds. Simply put, there are no uses identified in the Shoreland Zoning ordinance that are remotely close to permitting a tiki bar within the 75-foot setback. Granting the conditional use permit for a tiki bar, in place of the fishing shed, is a gross expansion of the previous legal nonconforming use and violates § 350-14A(1) of the Green Lake County Ordinances. The Land Use Planning & Zoning Committee cannot grant a conditional use permit that would violate another ordinance, which is exactly what would occur if permitted.

Land Use & Zoning Department c/o Matt Kirkman October 3, 2023 Page 3

In conclusion, the Land Use Planning & Zoning Committee was without the authority to grant a conditional use permit that violates the Shoreland Zoning Ordinance and further expands a non-conforming use from a fishing shed to a tiki bar. As a matter of law, the conditional use permit must be denied.

#### II. Outdoor Bathroom and Cooler.

In addition to the above, the Applicant is seeking a conditional use permit for an outdoor bathroom building and walk-in cooler building for the purposes of serving the outdoor restaurant. The Land Use Planning & Zoning Committee granted this conditional use permit in violation of the C-1 General Commercial District zoning ordinance.

The Subject Property is zoned as C-1 General Commercial District. The conditional uses that are identified under the § 350-32, which governs the C-1 District, are as follows:

- 1) Hotel or motel;
- 2) One single-family residential use may be allowed on a lot or parcel in the district;
- 3) Automobile service establishment;
- 4) Restaurant, barbecue stand, café, cafeteria, caterer, tavern and package fermented beverage and liquor store;
- 5) Parking lot;
- 6) Public garage;
- 7) Storage building
- 8) Municipal buildings, including administrative office, meeting hall and attached inside storage of municipal vehicles and equipment, with no outside storage allowed; no municipal accessory structure allowed on a premises until the principal structure is present.

The C-1 General Commercial District conditional use ordinance does not authorize outdoor bathrooms or walk-in coolers; the closest conditional use is a storage building. However, the Applicant is not seeking a storage building, they are seeking a walk-in cooler that serves an outdoor restaurant bar. These are not the types of uses the conditional use section of the ordinance contemplates. A conditional use permit only allows a property owner to "put his property to use which the ordinance expressly permits when certain conditions have been met." Foresight, Inc. v. Babl, 211 Wis. 2d 599, 604–05, 565 N.W.2d 279, 282 (Ct. App. 1997). In light of the fact that such uses are not described in the C-1 Commercial District Conditional Use ordinance, the granting of such permit improperly expands the ordinance to cover uses not authorized under the ordinance.

The Wisconsin League of Municipalities addressed the exact question of whether a municipality can issue a valid conditional use permit for a land use activity that is not specifically permitted by the zoning code as a conditional use in the zoning district in which it will be conducted and the answer was "no." See Exhibit C.

Land Use & Zoning Department c/o Matt Kirkman October 3, 2023 Page 4

In light of the fact that such uses are not described in the C-1 Commercial District Conditional Use ordinance, the granting of such permit improperly expands the ordinance to cover uses not authorized under the ordinance.

In conclusion, the Land Use Planning & Zoning Committee was without authority to grant the conditional use permit for the outdoor bathroom and walk-in cooler. Therefore, the conditional use permit as a matter of law must be denied.

Very truly yours,

von BRIESEN & ROPER, s.c.

/Electronically signed by Kevin J. Clark

Kevin J. Clark

KJC:bai Enclosures

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| Fee Received (Non-Refundable)   | \$375   | D                   | ate       | /30/2023                 |                        |
|---|---|---------------------|-----------|--------------------------|------------------------|
| By signing and submitting this complet<br>requests the Land Use Planning & Zoni | ed application with pubing Committee consider | lic hearing for     | ee, the a | pplicant o<br>permit req | r agent<br>uest at the |
| next available public hearing.  |   |                     |           |                          |                        |
|   | _   |                     |           |                          |                        |
| PROPERTY OWNER / APPLICAN   |   |                     |           |                          |                        |
| NameLittle Green Lodge LLC  |   |                     |           |                          |                        |
| Mailing Address 131 N Rolling   | Meadows Drive                                 |                     |           |                          |                        |
| Phone Number 920-251-9004   | Email   | tony@5gbenefits.com |           |                          |                        |
| Signature Signature   |   | Da                  | te        | 5/30/                    | 2023                   |
|   |   |                     |           |                          |                        |
| AGENT IF OTHER THAN OWNER   | <u> </u>                                      |                     |           |                          |                        |
| Name  |   | 77 13               |           |                          |                        |
| Mailing Address   |   |                     |           |                          |                        |
| Phone Number  | Email   |                     |           |                          |                        |
| Signature   |   |                     |           |                          |                        |
|   |   |                     |           |                          |                        |
| PROPERTY INFORMATION  |   | Manaa Dawl          | - Bood    | Markagan                 | , WI 53946 and         |
| Town of Green Lake  | Location of Property                          | Lot 2 Cert          | tified S  | Survey Mag               | 956 V4                 |
| Section 32 Town 15  |   |                     |           |                          |                        |
| Affected Parcel Number(s) <sup>006-01384-0</sup>                                | 0000 / 006-00614-0000                         |                     | Affect    | ed Acres                 | 1.25                   |
| Subdivisionn/a  |   |                     |           |                          |                        |
| CSM n/a Lot   |   |                     |           |                          |                        |
| Legal Description   |   |                     |           |                          |                        |
| Grand view plat lot 1 of certified survey r                                     | nap 956 V4 & that parcel as                   | Desc V415 P19       | Lying in  | SW1/4 NW1/4              | Sec 32                 |
| Lot 2 Certified Survey Map 954 V4 (a Res of                                     |   |                     |           |                          |                        |
|   |   | hotel)              |           |                          |                        |
| Current Zoning Classification CW  |   |                     |           | Gold wood                | ded etc.)              |
| Present Use of Property: (List all curren                                       |   |                     | ore, tarm | neid, wood               | ieu, etc.)             |
| Currently used and commercially room  | ned as a bar/restaurant and                   | hotel               |           |                          |                        |
|   |   |                     |           |                          | <u></u>                |
|   |   |                     |           |                          |                        |
|   |   |                     |           |                          |                        |
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|   |   |                     |           |                          |                        |

Conditional Use Permit Application Page 2

# Land Use Planning & Zoning Department

#### **Application for Conditional Use Permit**

Property Owner: Little Green Lodge LLC (Anthony Goebel)

#### www.littlegreenlodge.com

Outdoor Restaurant Name: The Terrace at Little Green

#### What is the history of the business and/or applicant?

CURRENT: The business was being used as a full-time restaurant and hotel under the name of Rose's Lakeside Pub. The restaurant serves food and liquor and the hotel is rented by the room through their own direct website and Airbnb.

APPLICANT: The new buyer, Tony Goebel, is an experienced local business owner that lives 18 miles east in Eldorado, WI. He owns a local insurance agency, real estate holding company, and vacation rental management company. He owns numerous large rentals (specifically in Door County) that were a Bed & Breakfast and turned them into successful group rentals and micro-wedding venues. Tony's brother, Noah Goebel and his partner Becky Rupple will be managing and running "The Terrace" restaurant, tiki bar and food truck. Noah is a bar manager at a high-end restaurant in Fond du Lac. Becky has experience running fish fries and 10+ years of restaurant experience. Tony's sister, Theresa Menting, is one of Fox Valley's top wedding planners. He plans to have this property combine all of their expertise to make it a thriving and successful business.

The property and hotel side of things will be professionally managed and marketed by Little Adventure Vacation Rentals LLC which has employees out of Fond du Lac and is owned by Tony Goebel.

# What is the history of the property and its current use?

The property has always been used as a restaurant and hotel. Current use is using it as a restaurant and a hotel. With the new owners, the building itself is rented to single groups for family reunions, vacations, and small weddings, so booked for private uses. The future use is to still use it as a restaurant and hotel.

# • Describe in detail the proposed use of the property.

Ownership is already approved to use the property as a restaurant and hotel. We also are approved locally, with the health department, and Green Lake county zoning to park and serve out of food truck that we will park on our property. We want to add a few things to the existing approved CUP so we can better serve the public and improve our space.

- Change use of waterfront storage shed to Tiki Bar There was an existing storage shed by the
  waterfront that was falling apart. We worked with Green Lake County zoning to replace it with a
  new storage shed with the same footprint. We use this currently has storage for boat related
  items and for alcohol. This shed we would like to use as a Tiki Bar to serve alcohol out of. It is
  not a new request for a building, only for changing the use from storage to Tiki Bar.
- 2. Bathroom Building plus small storage closet We are working closely with architects, engineers, and the state DSPS to have our space ADA compliant and following all rules. The state has given us one year to operate the outdoor restaurant using portable ADA outdoor bathrooms, but is requiring us to have a men's and women's bathroom accessible OUTSIDE the building closer to the outdoor seating area space. We are expecting the building to be around 12x17 feet. It is difficult to say until we actually start working on the area. We would also want an 8 foot by 12 foot overhang from this building towards the waterfront side of the property. Since this is raising the potential occupancy of the space, the state wants additional bathrooms. Some key considerations to approving this building:
  - a. We need to be approved to build a bathroom building to operate outside.
  - b. The location of where we want to put the bathroom building was previously a location of an existing building that was torn down many years ago. So we are asking to put a building back in the same location that a previous building was already located.
  - c. There is already a permanent fence around the location where this building would need to go. Which blocks some waterfront view.
  - d. Little Green Lodge also owns the cottage that is across the street that would be the most impacted by this building, but it is slightly affected by this new building.
- 3. Walk-in Cooler Storage Building We would like to have a walk-in cooler on the restaurant side of the road next to where the food and alcohol is being served and next to the bathroom building. It probably will be no larger than 8x12 feet. We will have a roof over the top of the walk-in cooler.
- 4. 10x20 storage shed on the south end of building. For safety and security reasons we want our employees and hotel guests to not walk across the road multiple times a day to access items in the storage shed. So we want to take some of the impervious surface from the north end of the property to put a small shed on the south end of the property.

#### **KEY ITEMS:**

The committee already approved a storage building that is 16x44 feet to be located in our parking lot side. We have realized that we do not want to take away parking lot space which is why we will ultimately end up not put a storage building here. Plus it is a safety risk to constantly have people walking across the road to access the storage shed.

If the committee will not approve the additional bathroom building to be built on the waterfront side of the property, then we need the committee to change the use of the shed that was approved on the east side (parking lot side) of the building to be a bathroom building with storage. We would then have the bathrooms located across the road and people will need to walk back and forth. This is not an ideal situation because we will have non patrons using our facilities, and it is more dangerous to the public. In working with the state inspector/DSPS, this would still be an acceptable option.

If the committee does not approve the walk-in cooler storage building on the west side of the road then we would have to put the walk-in cooler in the building that the CUP committee already approved for the parking lot side. This is also not ideal because this is where we will store food and alcohol, and leaves it up to much higher risk of theft. We also would have cooks and servers walking across the road to get additional food and alcohol, raising the risk for safety of our staff. We could also use portable refrigerated trailers on the restaurant side, but this is also not ideal or a long-term solution.

There are set-backs that we are dealing with so the set backs will determine the exact size, so we are asking for approval on the uses and the buildings, and given maybe a range for the building size within so many square feet.

# • If applicable, include an operation and/or maintenance plan.

We do have a full-time maintenance employee that works for our company that is on call for any urgent issues for the property. Our ownership and management is located under 20 miles away as well. We don't have a specific operation and/or maintenance plan that would differ from current use.

When will the property be used? (Seasonally? Set daily hours?)

The building itself will be year-round. The Terrace outdoor restaurant (with Tiki Bar and Food Truck) will operate basically May to October. We are starting this year Friday's and Saturday's but hopefully will expand to more dates next year.

• What will be done with the current structures, if any? - See attached drawings.

The existing buildings will stay. The only one we are asking for a change of use on is the waterfront storage shed to be used as storage plus as serving alcohol.

• What hazards, concerns, or disruptions may your proposed use pose to neighboring properties and the community as a whole? How can those concerns be addressed?

We are proposing the same conditional uses that the building is approved for now. The CUP committee already approved serving alcohol and food outside. In order for us to be compliant with the state, ADA, DSPS, we are being required to build outdoor bathrooms that are more accessible to the public that are using this space. I'm sure one neighbor will complain about blocking the view but this space was previously a building and it currently has a 6 foot privacy fence already there. We do not anticipate any hazards, concerns, or disruptions.

This will be a major positive for the community, for the locals, campground, and those that have properties on the lake. We are wanting to continue to invest in this property to make it a great space to attract people to the area, and a great value add for locals.

• What will be done to protect the human and environmental health of the surrounding area from negative impacts of this use?

I don't foresee anything changing for this or an impact on human and environmental health from our business doing the same conditional use as the current owner (restaurant and hotel). Restaurants and bars can currently host outdoor events anytime they want on their property. We are just trying to do this the right way and look long-term by adding more accessible features for patrons.

• Why was this property chosen for this business activity? How will this use benefit the community by being located on this specific property?

We already own the property and it is zoned as C1 and C2, as a restaurant and hotel. We are choosing to do this part of the property because it is a perfect location for a waterfront outdoor dining area. There is plenty of parking on the other side of the road.

 How would this business activity meet goals and objectives of the County's Comprehensive Plan? (This will be clear after meeting with Department staff prior to submitting the Conditional Use Permit application, as required above.)

It appears we are meeting the goals and objectives of the County's Comprehensive Plan based on what we have already read and seeing the current commercial zoning approved as a restaurant and hotel. We look forward to working with the Town of Green Lake, Green Lake County, and State of Wisconsin to make this a successful endeavor!



## SITE MAP for Little Green Lodge

· N2811 Park Road, Markesan, WI

- #1 existing storage shed use change to Tiki Bar use
- #2 Bathroom building of roughly 12'x17'
  - 12 feet from north property line and the minimum required distance from the road.
- #3 Storage attached to bathroom building for walk-in cooler of 8'x12'.
  - 12 feet from north property line and the minimum required distance from the road.
- #4 Storage shed of 10'x20'
  - Around 25-30 feet from the road and more than 12 feet from the side set back from the park side



## LP SMART PANEL FEATURES

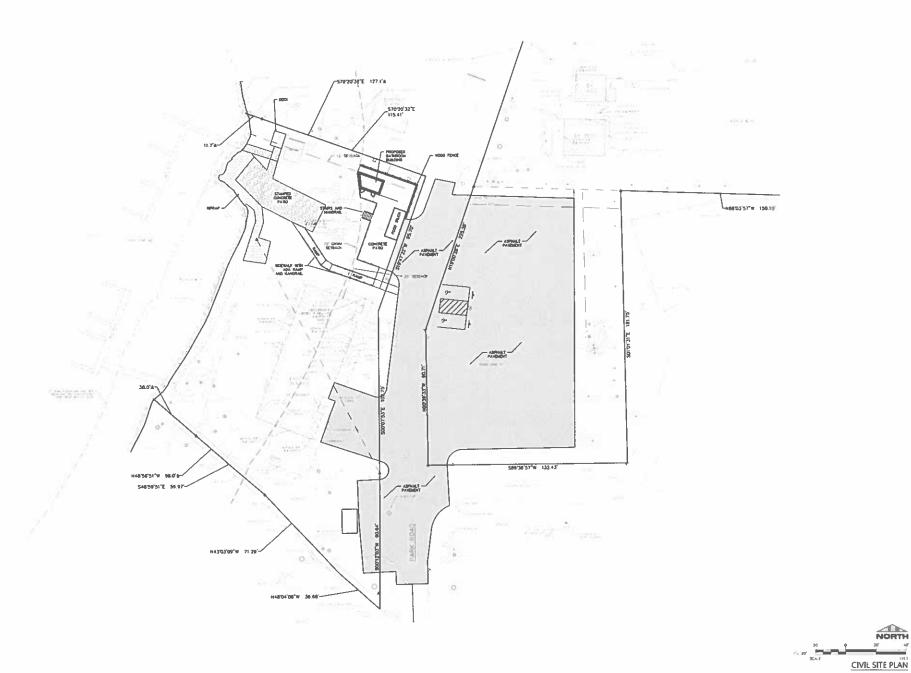
6'3" Sidewalls 6'x6' Double LP Doors 2 - 24x36 Windows Loft Space (8' wide buildings have a single 4' door)

## STANDARD VINYL FEATURES

6'3" Sidewalls 6'x6' Double Vinyl Doors 2 - 24x36 Windows Loft Space (8' wide buildings have a single 3' door) #4 Storage shed example

Color is not selected yet.

10x20 feet 10 feet tall











## TOWN BOARD ACTION

Dear Land Use Planning and Zoning Committee:

Please be advised that the Town Board of Green Lake, County of Green Lake, took the following action on -(Date) Owner/Applicant: Little Green Lodge LLC Agent: Anthony Goebel Site Location: N2811 Park Road, Markesan General legal description: Parcel 006-01384-0000, 006-00614-0000, Town of Green Lake, ±1.25 acres Request: Update current Conditional Use Permit to include a Tiki Bar, bathroom building, walk-in cooler building, storage shed. Planned public hearing date for the above requests: August 3rd, 2023 Town Does Not object to and Approves of request # Sec Notes No action taken Objects to and requests denial of request NOTE: If denial - please enclose Town Resolution of denial • Reason(s) for objection: Town Representative

Please return this form to the Land Use Planning & Zoning Office by: July 19th, 2023





## **Zoning FAQ 10**

Can a municipality issue a valid conditional use permit for a land use activity that is not specifically permitted by the zoning code as a conditional use in the zoning district in which it will be conducted?

No. The Wisconsin court of appeals has noted the general zoning principle that "Zoning ordinances may be permissive in form, permitting specified uses and buildings and prohibiting all others within a district. The mention or listing of things which may be done necessarily implies the **exclusion** of others, unless the ordinance is vague or ambiguous." *Foresight, Inc. v. Babl*, 211 Wis. 2d 599, 281-282, 565 N.W.2d 279 (Ct. App. 1997)(*citing* 8 McQuillin, *Municipal Corporations*, sec. 25.124 at 492 (3d ed. 1991) (emphasis added)). In other words, a proposed land use that is not specifically authorized as a conditional use (or a permitted use) in a zoning district is prohibited in that district. This means that a conditional use permit issued for a use that is not specifically permitted by the zoning code as a conditional use in the zoning district in which it will be conducted is invalid because a conditional use permit only allows a property owner "to put his property to a use which the ordinance **expressly** permits when certain conditions have been met." *State ex rel. Skelly Oil Co. v. Common Council*, 58 Wis. 2d 695, 701, 207 N.W.2d 585 (1973) (*quoting* 2 Rathkopf, *The Law of Zoning & Planning*, 54-4 n.3 (1968) (emphasis added).



**TAGLaw International Lawyers** 

Kevin J. Clark Direct Telephone 262-923-8664

February 6, 2024

#### VIA E-MAIL (Crystal.fieber@hopplaw.com)

Crystal Fieber, Esq. Green Lake County Board of Adjustments 571 County Road A Green Lake, WI 54941

Re: Appeal to the Board of Adjustment

Subject Property: N2811 Park Road, Markesan, WI 53946

Decision Date: September 7, 2023

#### SUPPLEMENTAL LETTER TO THE BOARD OF ADJUSTMENTS

Dear Board of Adjustments:

This office represents Joe & Brian Wroblewski, owners property located at N2821 Park Road, Markesan, WI 53947. Their property is adjacent to the property containing the address N2811 Park Road, Markesan, WI 53946 ("Subject Property"), which was granted a conditional use permit ("CUP") by the Land Use Planning & Zoning Committee on September 7, 2023. Joe and Brian Wroblewski filed an appeal to the Board of Adjustments, which is scheduled to be heard on February 20, 2024. The Green Lake County Board of Adjustment ("BOA") has decided to review the application for the CUP under *de novo* review. I am writing this Supplemental Letter to the Board of Adjustment for the purposes of sharing additional information to the Board of Adjustment regarding the appeal.

#### **BACKGROUND**

The applicant, Little Green Lake Lodge, LLC, is seeking a CUP to change the storage shed located within the 75' setback from Little Green Lake to a Tiki Bar to serve alcohol to the public. *See Little Green Lake Application* dated 5/30/2023.

The original structure on the Subject Property was a fishing shed, which was constructed prior to the Green Lake County Shoreland Ordinance making it a **legal non-conforming structure** and **legal non-conforming use**.

Crystal Fieber, Esq. February 6, 2024 Page 2

In April, 2023, the applicant submitted a permit application to replace the structure of the shed, which was approved by Green Lake County. The application recognizes that: (1) the fishing shed was located approximately 20' from the shore; (2) that the fishing shed was located approximately 6' from the side yard; and (3) the County noted that this was located within shoreland zoning. See the below excerpt from the application:

| ĺ          | Use of Project(s) ☐ Agricultural ☑ Commercial ☐ Indu   | strial Recreational Residential Other         |
|------------|--|---|
|            | Type of Project #1 Distances to Project Dimensions Lot Lines (ft)  | Project Dimensions + 8x7 Lot Lines (ft)       |
|            | □ Principal Lth/Wth 16 × 44 Front  | Principal Lth/Wth 19 x 16.5 Front             |
| ĺ          | Accessory Areaft² Front  | ☐ Accessory Areaft² Front                     |
| J          | □ New Heightft Side 12   | □ New Heightft Side                           |
| l l        | Addition Stories 1 Side  | New Heightft Side  ☐ Addition Stories Side 6  |
| П          | Grade/Fill Bedrooms (new) Rear 25  | Grade/Fill Redrooms (new) Rear                |
| 1 1        | ☐ Sign Bedrooms(total) Shore   | Sign Bedrooms (total) Shore 20                |
| Н          | Cost of Construction w/Labor \$ 95,000 Shed/Concrete/Asphale   | Cost of Construction w/Labor \$ 4,400 replace |
| $\equiv$   |  | existing she                                  |
| ا≾ا        | COUNTY USE ONLY Zoning District  | -1, (-2 Data by <u>NB</u> Date 9-20-23        |
| S          | Yes No   | Yes No  |
|            | M Shoreland  | Fact   Existing Nonconforming                 |
| USE        | After the South France After the Aft | Equalized Assessed Value                      |
|            | □ Ø Floodway □ Ø Flood Fringe  | approved \$12.23                              |
| ΙEI        |  | Construction Cost w/Labor                     |
| 3          | ☐ ☑ General Floodplain ☐ ☑ ETZA ☑ Wall Insp. Req. ☐ ☑ POTW   | \$  |
| III COUNTY | DWF  | % of assessed value                           |
| 2          | Other Insp. (see notes)  |   |
|            | 1  | □ ⊅>50% of Eq. Assessed Val.                  |
| ART        | NOTES has said the live of the K   | approved under this permit                    |
| 2          | NOTES IN NEW IMPERBURY SARBACES,   | <u> </u>                                      |
| =          |  | 12.000  |

A copy of the permit/application is attached hereto as Exhibit A. It is important to note that the by ordinance and statute, the shoreland setback from Little Green Lake is 75'. The required side yard setback is 12' pursuant to Green Lake County Zoning Ordinances. Therefore, the structure is nonconforming with respect to at least two zoning requirements.

The application at issue, now wishes to convert the shed from the nonconforming storage shed use to a tiki bar in the 75' shoreland setback, which is prohibited by Wisconsin Statutes and the Green Lake County Zoning Code.

#### **ARGUMENT**

Wisconsin Statutes § 59.692 defines "shoreland setback area" as "the area within a certain distance of the ordinary high-water mark in which the construction or placement of structures has been *limited or prohibited under an ordinance under this section*." Wis. Stat. § 59.692(1)(bn).

Crystal Fieber, Esq. February 6, 2024 Page 3

Wisconsin Statutes § 59.692(1n)(d)(1)-(8) expressly provides what structures, and therefore uses, are exempt from the 75' setback requirement. The structures include the following: (1) a boathouse; (2) open sided/screen structures; (3) a fishing raft; (4) a broadcast signal receiver; (5) a utility transmission line; (6) a walkway, stairway, or rail system; (7) a fence; and (8) a bridge. The aforementioned structures are the *only* structures that are exempt from the 75' setback requirement and only the uses related to those structures are allowable.

The Green Lake County Shoreland Zoning Ordinance mirrors the Wisconsin Statutes with respect to what structures, and therefore what uses, are allowable within the 75' setback. Green Lake County Zoning Ordinance § 338-32A provides that "unless exempt under § 338-32A(1), or reduced under § 338-32B, a setback of 75 feet from the ordinary high-water mark of any navigable waters to the nearest part of a building or structure shall be required for all buildings and structures." The ordinance goes on to provide the same list of exempt structures as the Wisconsin Statutes, none of which includes a tiki bar that serves alcohol to the public.

Additionally, the Green Lake County Ordinances § 350-14A(1) prohibits the extension of nonconforming uses. Here, the nonconforming structure was a storage shed and use was to store fishing equipment. The construction of this type of storage shed in the 75' setback is no longer allowable under the current Shoreland Zoning Ordinance. Section 350-14A(2) allows for changes to a *more restricted* nonconforming uses: (1) if no structural alterations are made; and (2) the nonconforming use is of the same *or a more restricted classification*. Here, the structure has already been altered *and* the use that the applicant proposes is a significant *expansion* from a storage shed to a commercial tiki bar that serves alcohol to customers. It is not the same use or a use of a more restricted category. The storage shed, although it is located on a lot zoned as C-1, has never been used to sell alcohol from it.

It is well settled law that extensions or expansions in nonconforming uses are not protected under Wisconsin law. The Wisconsin Court of Appeals has dealt with the expansion of nonconforming uses and has stated "the violation of the nonconforming use by expansion or enlargement which changes the use invalidates the legal nonconforming use as well as the illegal change." *Waukesha Cnty. v. Pewaukee Marina, Inc.,* 187 Wis. 2d 18, 31, 522 N.W.2d 536, 542 (Ct. App. 1994). In other words, the expansion of the fishing storage shed to a tiki bar is invalid *and* invalidates the original nonconforming use as a matter of law.

The BOA does not have the authority under Wisconsin law or its ordinances to grant a conditional use permit that expands a nonconforming use beyond its original use. "The spirit of zoning is to restrict a nonconforming use and to eliminate such uses as quickly as possible." *Waukesha Cnty.* v. Seitz, 140 Wis. 2d 111, 116, 409 N.W.2d 403, 406 (Ct. App. 1987).

Crystal Fieber, Esq. February 6, 2024 Page 4

#### **CONCLUSION**

The appellants are respectfully requesting that the BOA *deny* the conditional use permit as it related to the conversion of the storage shed into a tiki bar for the purpose of selling alcohol. As the original appeal letter indicates, the appellants object to the outdoor bathroom/storage located adjacent to their lot, but will address that use at the hearing as necessary.

Very truly yours,

von BRIESEN & ROPER, s.c.

/Electronically signed by Kevin J. Clark

Kevin J. Clark

KJC:bai

cc: Attorney Jeff Mann (via e-mail)
Matt E. Kirkman (via e-mail)
Tony Goebel (via e-mail)

40714868\_1.DOCX

# EXHIBIT A

#### **Permit Application**

#### Green Lake

Permit Type: Land Use Permit Issued: 4/20/2023 Permit No. 13375 Fee: \$150.00

<u>Permit Expires:</u> 4/18/2024 <u>Value:</u> \$99,400.00

Mailing Address LITTLE GREEN LODGE LLC

131 N. ROLLING MEADOWS DRIVE

FOND DU LAC, WI 54937

#### Permit Detail:

Received By: Noah Brown

| Muni                  | Parcel Number | Site Address         | Legal Description  |
|-----------------------|---------------|----------------------|--|
| Town of Green<br>Lake | 006006140000  | No Address Available | LOT 2 CERTIFIED SURVEY MAP<br>956 V4 (A RES OF LOT 2 CSM 180)<br>SEC 32  |
| Town of Green<br>Lake | 006013840000  | N2811 PARK RD        | GRAND VIEW PLAT LOT 1 OF<br>CERTIFIED SURVEY MAP 956 V4 &<br>THAT PARCEL AS DESC V415 P19<br>LYING IN SW1/4 NW1/4 SEC 32 |

#### **Application For**

| Туре                        | Subtype   | Width(ft) | Length<br>(ft) | Height (ft) | Diameter(ft) | Depth(ft) | Stories |  |  |  |  |
|-----------------------------|---|-----------|----------------|-------------|--------------|-----------|---------|--|--|--|--|
| Land Disturbing<br>Activity | Blacktopping/Parking Lots                                   | 132.0     | 182.0          | 0.0         | 0.0          | 0.0       | 0.0     |  |  |  |  |
|                             | Description: Parking lot repair on -                        | 00614     |                |             |              |           |         |  |  |  |  |
| Accessory<br>Structure      | Storage Buildings   | 13.0      | 16.0           | 12.0        | 0.0          | 0.0       | 0.0     |  |  |  |  |
|                             | Description: Replacement of Lakeside shed -01384            |           |                |             |              |           |         |  |  |  |  |
| Accessory<br>Structure      | Storage Buildings   | 16.0      | 44.0           | 12.0        | 0.0          | 0.0       | 0.0     |  |  |  |  |
|                             | Description: New prebuilt shed on parking lot parcel -00614 |           |                |             |              |           |         |  |  |  |  |
| Accessory<br>Structure      | Detached Deck/Patio   | 8.0       | 10.0           | 0.0         | 0.0          | 0.0       | 0.0     |  |  |  |  |
|                             | Description: Replacement of Lakeside Deck -01384            |           |                |             |              |           |         |  |  |  |  |
| Accessory<br>Structure      | Detached Deck/Patio   | 7.0       | 8.0            | 0.0         | 0.0          | 0.0       | 0.0     |  |  |  |  |
|                             | Description: Concrete slab -01384                           |           |                |             |              |           |         |  |  |  |  |
| Land Disturbing<br>Activity | Blacktopping/Parking Lots                                   | 38.0      | 40.0           | 0.0         | 0.0          | 0.0       | 0.0     |  |  |  |  |

#### Permit Application

|                             | Description: Blacktopping of parking lot in front of building -01384 |      |       |     |     |     |     |  |
|-----------------------------|--|------|-------|-----|-----|-----|-----|--|
| Accessory<br>Structure      | Fence  | 0.0  | 170.0 | 8.0 | 0.0 | 0.0 | 0.0 |  |
|                             | Description: Privacy Fence on parking lot parcel -00614              |      |       |     |     |     |     |  |
| Accessory<br>Structure      | Fence  | 0.0  | 95.0  | 8.0 | 0.0 | 0.0 | 0.0 |  |
|                             | Description: Replacement fence -01384                                |      |       |     |     |     |     |  |
| Land Disturbing<br>Activity | Blacktopping/Parking Lots  | 20.0 | 50.0  | 0.0 | 0.0 | 0.0 | 0.0 |  |
|                             | Description: Upgrading gravel parking lot near city park -01384      |      |       |     |     |     |     |  |

#### Minimum Setback Requirements:

25.0ft. from East 006-00614-000 Lot line

12.0ft. from North 006-00614-0000 Lot line

33.0ft. from Closest Point of 006-00614-0000 Road Right-of-Way

154.0ft. from South 006-00614-0000 Lot line

12.0ft. from North 006-01384-0000 Lot line

20.0ft, from OHWM of 006-01384-0000 Lake

162.0ft. from South 006-01384-0000 Lot line

92.0ft. from Closest Point of 006-01384-0000 Road Right-of-Way

#### **Zoning Districts:**

C2

C1

#### **Land Use Permit Conditions**

- \* FINAL INSPECTION: Notify Code Enforcement Office within 10 days after completion of construction, alteration, repair or relocation of proposed structure.
- \* WALL FORM INSPECTION: Contact Code Enforcement Office 24 hours prior, to schedule inspection for setback verification once wall forms are up, and prior to pouring concrete.
- \* Green Lake County approval does not eliminate the need of the owner / developer to obtain all other necessary approval from other entities of jurisdiction.
- \* This Land Use Permit must be posted so as to be visible from the road right-of-way.
- \* Applications for renewal of this Land Use Permit shall be made to the Green Lake County Land Use Planning & Zoning Office.
- \* Changed regulations will not impair the validity of this Land Use Permit.
- \* This Land Use Permit is subject to the rules in force at the time of issuance.
- \* This Land Use Permit is valid for one year from the date of issuance.
- \* This Land Use Permit is only valid for commencement of the work described in the application for permit.

#### **Permit Application**

\* When plans for the proposed project(s) are updated and/or revised, a copy of the new plans with changes must be provided to the Land Use Planning & Zoning Department for review and approval in accordance with all applicable standards.

#### Signature:

The undersigned hereby agrees that all work shall be done in accordance with the requirements of all Green Lake Ordinances and all applicable laws and regulations of the State of Wisconsin. Dimensions and distances provided on this form and all attachments hereto are true and correct. Applicant authorizes Green Lake staff to inspect the premise for conformity to this permit.

| Application Name Printed:            |       | Telephone #:                     |       |
|--------------------------------------|-------|----------------------------------|-------|
| Application Signature:  See & Tachee | Date: | Staff Signature:<br>Sec affacle) | Date: |

#### **GREEN LAKE COUNTY**

## LAND USE PERMIT APPLICATION

Land Use Planning & Zoning 571 County Road A Green Lake, WI 54941 Phone: (920) 294-4156

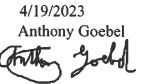
| Tava                    | COUNT<br>Parcel/Ta  |                   | 00 G<br>00 G                   | 01384<br>- 00614            | 0 000<br>- 0000             | Date<br>Issued             | 4-2023                   | Permit #_  | 13375  |
|-------------------------|---|-------------------|--------------------------------|-----------------------------|-----------------------------|----------------------------|--------------------------|--|--|
|                         | Owner Little Green Lodge LLC  Name  131 N Rolling Meadows Drive |                   |                                | Contractor<br>(Applicant)   |                             |                            |                          |  |  |
|                         | <u>=</u>  | Address           |                                |                             | Address Eden WI 53019       |                            |                          |  |  |
|                         |   | Fond du           | Lac<br>251-9004                | State                       | Zip                         |                            | City 920-477-5521        | State  | Zip  |
| 300                     |   | Home Ph           | one<br>2811 Park Ro            | Work/Cell<br>ad, Markesan,  |                             | Parcel/Tax IC              | Home Phone               |  | ell Phone  |
| ۱                       | Township  |                   |                                | ireen Lake                  |                             |                            |                          | 32 , T 15  | N, R 13E   |
| =                       |   | _                 | ock n/a                        | Subd/                       |                             |                            |                          | CSM #  |  |
| PAG                     | Proposed  | Projec            | t(g)Replace ex                 | isting shed by wate         | r with same footprint of co | oncrete slab/deck for stor | age shed (19'x16.5' and  | 8'x7 concrete slab & 10'x8'  | deck attached). Redo imper                                     |
| nurfice bo<br>nacing on | or ramp/gerbage to  | - स्थाकृती ल      | mercia/patio with              | retaining well, red         | o existing gravel parking o | on building side to aspha  | t, re-scal asphalt by bu | iding, redo existing parking   | lot on east side of road to as<br>east side of road, add 16'x4 |
|                         | Use of Pr   | oject(s           | ) 🔲 Agricu                     | ltural ⊠ Co                 | mmercial 🔲 Ind              | ustrial  Recre             | eational  Res            | sidential 🔲 Other  |  |
|                         | Type of Project   | l L               | Project<br>Dimen<br>th/Wth     | sions<br>16 <sub>x</sub> 44 | Distances (                 | ft) Project Principa       | Dir<br>I Lth/Wth         | roject #2<br>nensions + 8x7<br>19 x 16.5   | Front  |
|                         |   | -                 | Height                         | ft²                         | Front                       |                            | •                        | ft²<br>ft  | Front<br>Side  |
|                         | ☐ Addition ☐ Grade/F  |                   | Stories                        | (new                        | Side                        |                            | Stories                  |  | Side 6   |
|                         | Sign  |                   | rooms                          |                             |                             |                            |                          | (new)  | Rear<br>Shore 20   |
| L                       | Cost of Co  | onstruc           | tion w/Lat                     | or \$ 95,00                 | 0 Shed/Concrete/Aspb        | Cost of C                  | onstruction w            | /Labor \$4,40  | 0 replace  |
| >                       | COUNTY  | ' USE             | ONLY                           | Zo                          | ning District               | 6-1, 1-2                   | D:                       | ata by <u>NB</u>   | Date 4-20-23   |
| ONL                     | Yes No  |                   |                                |                             |                             | <del></del>                |                          | s No   |  |
|                         | ☐ Shoreland ☐ ☐ After the                                       |                   |                                |                             | e Fact                      |                            |                          | onconforming Assessed Value  |  |
| USE                     | □ÆÌF  | loodwa            | y                              | L.                          | ] Ø BOA<br>] □ P&Z          | goroved 4                  | 12:33                    | \$   | Assessed value   |
| IE                      |   | lood Fr<br>eneral | inge<br>Floodplain             |                             | I ☑ ETZA                    |                            |                          | Constructi   | on Cost w/Labor  |
| COUNTY                  | IDŽi⊡ V   | Vall Insp         |                                |                             | ] ☑ POTW<br>] ☑ POWTS       | _ <del></del>              |                          | % of asse  | ssed value   |
| C                       |   | ther In:          | p. Required<br>sp. (see not    | tes)                        | DWF                         |                            |                          | 7 (ŽI)>50% of Ea   | . Assessed Val.  |
| ART                     | NOTES   | 1/2               | post                           | rampla                      | nich whork                  | approve                    |                          | His pernit   | L  |
| PA                      | NOTES   | _ha               | <u>new</u>                     | imper Diam                  | 5 Snrfacel                  | 0.00                       |                          |  | YI .   |
|                         | The owner -   |                   |                                |                             | ()                          |                            |                          |  | 10000  |
| ≥                       | Inspect the a   | bove-de           | scribed proje<br>This permit i | chal for one                | -11                         | START CHARGE COULT         | y Zuning starr per       | d on and with this approximation to enter the This permit is valided in force at the tin   | Subject property to  |
| ART                     | Permit Fee  | \$                | 150                            |                             | /Contractor Sign            |                            | الدي                     |  | Date _ 4/18/2023   |
|                         | Check   | #                 | 285                            |                             | Official Signatur           |                            | Me                       | TO STATE OF THE PARTY OF THE PA | Date 4-20-23   |
| Ц                       | Receipt   | #                 |                                | All Che                     | cks Payable to              | "Green Lake                | County"                  |  | PZZ-001 (04/11)  |

## 16'x44' storage shed Fencing near lot line and replacing existing fence around garbage Redo parking lot with asphalt and parking lines. Town of Green Lake redoing road same time. Redo gravel parking spots with asphalt parking Asphalt re-seal/coating parking by building Public outdoor restaurant area with food truck by road,

replace existing storage

shed, replace boat ramp with stamped concrete.

## Little Green Lodge N2811 Park Road, Markesan, WI SITE PLAN





## Park Road / Road Right-of-Way Line

Existing set up with falling apart boat ramp, tear-down shed, rotting fence, cracked concrete, and pour water run-off from the road



North 20' wide boat ramp hed 19x16.5 shed 10'x8' deck 25'x25' wide boat ramp at bottom Little Green Lake water

Existing Hotel

Outdoor Restaurant area Food Truck, Storage Shed, Stamped concrete



#### SITE PLAN

Re-do all existing falling apart items for an outdoor restaurant area with stamped concrete seating and food truck. With new storage shed Food Truck parking, storage Shed, privacy fence and new vegetative screen

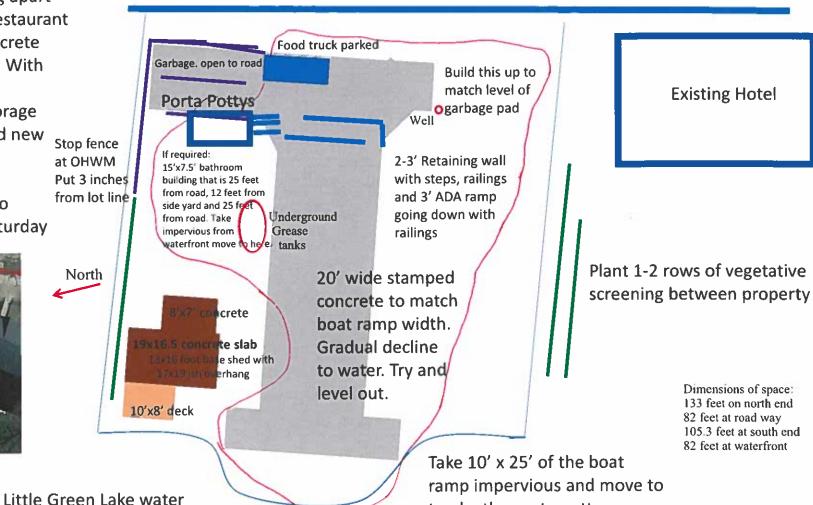
Open seasonally May to October and Friday/Saturday



Park Road / Road Right-of-Way Line

- road redone with asphalt. First 5 feet lot is asphalt

top by the porta pottys



127

Outdoor restroom example



Stairs/ramp example (concrete)



Waterfront Shed example Water item storage and liquor storage



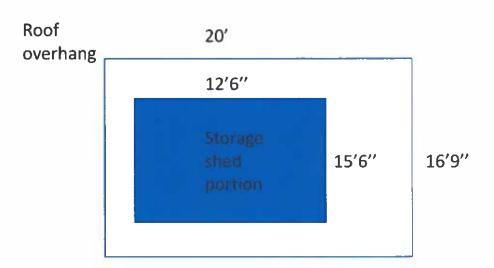
Stamped concrete example



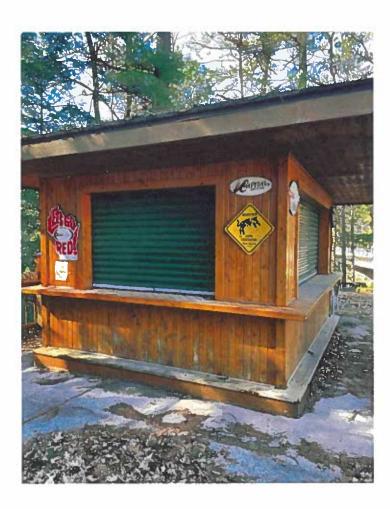
Food trailer example but custom wrap



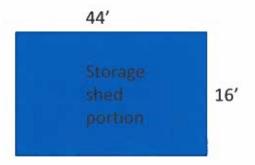
# Waterfront storage shed N2811 Park Road, Markesan, WI



- Side walls are 8.5 feet high
- Height to pitch of roof is 12'



## Parking lot storage shed N2811 Park Road, Markesan, WI



- Ground to peak of roof is 144 $^{\prime\prime}$



#### **Land Use Planning and Zoning Committee Staff Report**

Public Hearing February 20, 2024

Item I: Appeal by Wroblewski of Little Green Lodge Conditional Use Permit (CUP)

Appellants: Joseph & Brian Wroblewski

Owner / Applicant: Little Green Lodge LLC, Tony Goebel

**Request:** The appellants are requesting BOA review of a conditional use permit approved on September 7<sup>th</sup>, 2023 that included the conversion of an existing shed to a tiki bar, the construction of a bathroom building, a walk-in cooler building and an additional storage shed.

<u>Parcel Number/Location:</u> The request affects parcel 006-01384-0000 (±0.73 acres). The parcel is located in the NW ¼ of the NW ¼ of Section 32, T15N, R13E, Town of Green Lake. The site address is N2811 Park Rd.

Existing Zoning and Uses of Adjacent Area: The parcel 006-01384-0000 is zoned C-1, General Commercial District. The property is currently being used as event space with lodging on the second and basement levels and for public outdoor dining, accomplished by a food and beverage trailer. To the West, the property is bordered by Little Green Lake. Following the lakeshore to the south the neighboring property is zoned municipally under the City of Markesan and owned by the City and is used for open space with a few buildings. To the North and East, the properties are zoned as R-1, Single-Family Residence District, and appear to be used for single family residences. To the Southeast there is also a parcel zoned R-3, Multiple-Family Residence District that is used as a mobile home park.

The parcel abuts Little Green Lake and is therefore considered "shorelands" and is regulated by the County's Shoreland Zoning Ordinance. According to the WDNR's Surface Water Data Viewer and the County's GIS Viewer there are no designated wetlands on the subject parcel. Therefore, there are no "shoreland wetlands" on the subject parcel and consequently Article III "Shoreland Wetland District" of the County's Shoreland Zoning Ordinance does not apply. This was confirmed by WDNR's Shoreland Zoning Specialist (Dale Rezabek).

Additional Information/Analysis: Originally this property was developed as a tavern in the 1970's. In 2004 the tavern burned down and was subsequentially rebuilt under two conditional use permits. The 2004 CUPs approved reconstruction of the bar/restaurant use as well as the second story hotel/motel use. Earlier this year a CUP was approved to allow the current owner to utilize the lower level for hotel lodging purposes and to establish a mobile food / beverage truck for public outdoor dining.

This CUP request is related specifically to an expansion, thru accessory structures, of the new outdoor dining use. The applicant proposes to change an existing storage shed to a tiki bar and proposes to add an outdoor bathroom, a walk-in cooler building and a storage building. The already approved outdoor dining use had matched Section 350-32B.(4) of the County Zoning

Ordinance which allows, with CUP approval, a restaurant, barbeque stand, café, cafeteria, caterer, tavern and package fermented beverage and liquor store. The proposed accessory structures expand the public outdoor dining use and therefore must be authorized by CUP in accordance with condition #1 of the applicant's April 11<sup>th</sup>, 2023 CUP.

As explained above the subject parcel is zoned and regulated under the County's Zoning Ordinance and Shoreland Zoning Ordinance. Also explained above, the subject parcel is not in the Shoreland Wetland District, so the associated use restrictions related to the County Shoreland Ordinance do not apply to the accessory structure on the subject parcel. Their use is solely regulated by the County's Zoning ordinance.

BOA Standards for Appellate Review of Conditional Use Permit Approvals: The general standards for review of CUP requests should be applied to any CUP approval. These standards, when applied, maintain the purpose and intent of the Zoning Ordinance.

<u>General Standards for Review of Conditional Use Requests:</u> In this case the BOA, shall take into consideration, among other things, the recommendation of the affected town and the particular facts and circumstances of each proposed use in terms of the standards found in Section 350-56 "Review of permit application; standards and conditions" of the County Zoning Ordinance. The BOA need not consider requirements that would apply to the local Town, other County, State or Federal entities of jurisdiction.

<u>County Staff Comments:</u> This request should be reviewed by the BOA to determine if it meets the general criteria for review as cited above. If the Committee wishes to approve this request, the following conditions may be appropriate:

- 1. No additional expansion or addition of structures and/or uses relating to this conditional use permit shall occur without review and approval through future conditional use permit(s).
- 2. That the owners/applicants are responsible for obtaining permits and licenses from any other regulatory agency, if required.
- 3. That the owner/applicant apply for and receive a Land Use Permit prior to making any changes authorized through this conditional use permit approval process.
- 4. That within one year of CUP approval the owner/applicant provide appropriate vegetative screening or code-compliant fencing to hide the dumpsters as well as provide privacy screening to neighbors to the parking lot.
- 5. That if vegetative screening is utilized instead of privacy fencing, any dead, dying or diseased vegetation shall be removed and replaced with viable and effective, visual-screening vegetation as soon as practicable.
- 6. No new structures, authorized by this conditional use permit, shall be located within the Little Green Lake Protection and Rehabilitation District's maintenance easement.

<u>Town of Green Lake:</u> The Town Board Action request for the CUP was sent to the Town Clerk on June 13, 2023. The Town Board does not object to and approves the request.